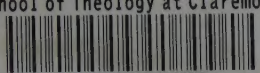


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DAVID NEUMARK

(Born August 3, 1866, died December 15, 1924.)

The Board of Editors of the Hebrew Union College Annual records with deep grief the death of the eminent scholar, Professor David Neumark, who served as a member of the Board with rare faithfulness and ability. The Journal of Jewish Lore and Philosophy, which Dr. Neumark founded in 1919 as a quarterly review and of which four numbers appeared, was taken over by the Board of Governors of the Hebrew Union College in 1921 at the suggestion of Dr. Neumark and was continued in the form of this present annual publication. Dr. Neumark may thus be considered the founder once removed of the Hebrew Union College Annual.

The world of Jewish scholarship is sadly bereft by the untimely death of this great scholar and original thinker. His learning was of an encyclopedic nature. He had made the entire range of Hebrew learning his own. In Jewish philosophy, his especial field, he stood in the very forefront. Two volumes of his Magnum Opus, the History of Jewish Philosophy, which he had planned to issue in ten volumes had appeared in German, while a third volume was going through the press at the time of his death. The first volume of the Hebrew Edition of this master work appeared in 1921: he completed and had ready for publication the second volume. His "History of Dogmas in Judaism" in two volumes appeared in 1913 and 1919 respectively. His other philosophical studies included "The Philosophy of the Bible" (1919), "Jehudah Halevi's Philosophy in its Principles", his first publication in the English language which appeared in the Hebrew Union College Catalog for 1908, "Crescas and Spinoza, (Year Book Central Conference of American Rabbis, 1919) and two papers which he presented at the meeting of the Central Conference of American Rabbis at Cedar Point in July, 1924, (1) Steinthal and Lazarus, in honor of the centenary, (2) Historic and Systematic Relations of Judaism to Kant in Commemoration of the Two Hundredth anniversary of the birth of Kant. He was at work on a number of manuscripts when the earthly end came and the brilliant intellect ceased to function.

David Neumark's place among the גדולי ישראל is assured. He glorified the Torah. He enriched Jewish thought. He was a lover of wisdom. זכר צדיק לברכה

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MOSES WITH THE SHINING FACE

By JULIAN MORGENSTERN, Hebrew Union College, Cincinnati, O.

I

EXODUS 34, 29-35 PRESENTS an interesting problem both in analysis and interpretation. These verses contain the story of Moses' face shining after his descent from the mountain following his conversation with Yahwe. In consequence the people could not endure the radiance of Moses' face and fled from before him until he had put a covering over it. Thereafter Moses wore this covering constantly, except at such times when he entered the sanctuary to converse with the Deity. Then he would remove the covering and, impliedly, converse with Yahwe face to face. And upon his return to the people he would restore the covering to his face.

Almost all modern Biblical commentators are in agreement in assigning this passage to P.¹ A number of these scholars assign the closing verses to P2.² Of all these scholars Carpenter and Harford³ alone assign these verses to a source other than P.

¹ So Dillmann, Wellhausen, Kuenen, Cornill (cf. Holzinger, *Einleitung in den Hexateuch*, Table), Bacon (*The Triple Tradition of the Exodus*, 370), Addis (*The Documents of the Hexateuch*, II, 275), Holzinger (*Exodus*; in Marti's *Hand-Commentar* series), Baentsch (*Exodus*; in Nowack's *Hand-kommentar* series), and Kent (*Beginnings of Hebrew History*, 184f.)

² Wellhausen regards vv. 33-35 as a haggadic addition. Holzinger is uncertain whether to assign vv. 29-32 to Pg and vv. 33-35 to P2 or the entire passage to P2. Baentsch assigns vv. 33-35 to P2, while Kent assigns vv. 34-35 to P2. Eerdmans, (*Alttestamentliche Studien* III, 80f.), too, while of course, in accordance with his opposition to the entire documentary hypothesis, refusing to assign these verses to P, following Wellhausen and Valetton, regards vv. 34-35 as a late addition. Gressmann (*Mose u. seine Zeit*, 246f.) admits the possibility of Priestly authorship, at least for a portion of this passage, but at the same time sees certain cogent reasons for questioning this conclusion.

³ *The Composition of the Hexateuch*, 518.

Vv. 29–33 they assign to E and v. 34, and presumably also v. 35,⁴ to RJE.

When we examine these verses carefully we find unmistakable indications of Priestly composition, as for example, v. 29, ושני לחת העדה; v. 31, הנשיאים בעדה; v. 32 the apparent distinction in caste between Aaron and the נשיאים on the one hand, and the people at large on the other; possibly also the designation of the mountain by the name הר סיני, vv. 29 and 32. The priestly character and implication of these expressions are, of course, undeniable.

However, when we examine the passage closely, we can not avoid the impression that it does not read with perfect smoothness, quite as if its original text had been worked over by some later editor or glossator. 29aβ is awkward indeed, and particularly the repetition of משה instead of the use of the pronominal suffix בידו; and again the repetition of ומשה at the beginning of 29b. Likewise vv. 30–32 do not read with perfect smoothness. The position of the subject in 31aβ is awkward, and the reference to the princes seems almost dragged in. Similarly the words כי קרן עור פני משה in 35a are exceedingly awkward.

In contrast to vv. 29–33, vv. 34–35 describe the regular procedure of Moses when consulting the Deity. But, as Addis has pointed out,⁵ these verses rest upon a foundation that is the very antithesis of Priestly. For they tell that whenever Moses would go into the sanctuary to consult the Deity and obtain an oracle, he would remove the covering from his face, and when he would come forth from the sanctuary to speak to the people, and, impliedly, to communicate to them what had just been revealed to him, he would restore the covering to his face. Obviously Moses here plays the role of oracular priest, and furthermore has free access to the sanctuary and the Deity at any time he pleases. And inasmuch as according to the Priestly Code not Moses, but Aaron, discharges the duties of

⁴ Citation of which, singularly enough, they omit, probably through oversight. It should be noted, too, that neither Wellhausen (*Die Composition des Hexateuchs*³, 97) nor Cornill (so in the Table of Holzinger's *Einleitung*) are positive in their assignment of these verses to P.

⁵ *Op. cit.*

chief or high-priest, and furthermore alone may enter the innermost sanctuary and commune with the Deity only once in each year, on the annual Day of Atonement, it follows absolutely that at least vv. 34-35 can not emanate from P. And inasmuch as vv. 34-35 are dependent upon 29-33, and tell that Moses made a regular ritual institution of the practice, the occasion for and inauguration of which are described in vv. 29-33, it is impossible to separate vv. 34-35 from vv. 29-33, and ascribe these verses to one source, which is not P, and vv. 29-33 to another source, which, if P, is then presumably later than the source of vv. 34-35. If vv. 34-35 can not be the work of P, then certainly neither can vv. 29-33.⁶

Yet the presence in these verses of the Priestly elements cited above cannot be gainsaid. This is, however, easily explained. Brief consideration shows clearly that the original narrative was reworked by a later Priestly glossator. This original narrative probably read much in this manner:

ויהי בדרת משה מן ההר⁷ ולא ידע כי קרן עור פניו בדברו אהו: ורא אהרן וכל בני ישראל את משה והנה קרן עור פניו ויראו מנשת אליו: ויקרא אליהם משה וישבו אליו: וידבר משה אליהם ויצום את כל אשר דבר יהוה אהו בהר: ויכל משה מדבר אהם ויתן על פניו מסוה: ובבא משה לפני יהוה לדבר אהו יסיר את המסוה עד צאתו ויצא ודבר אל בני ישראל את אשר יצוה: וראו בני ישראל את פני משה כי קרן והשיב משה את המסוה על פניו עד באו לדבר אהו:

This may be translated, "Now when Moses descended from the mountain, he did not know that the skin of his face had become radiant because of His (Yahwe's) speaking with him. And Aaron and all the children of Israel saw Moses and behold the skin of his face had become radiant (קרן, perfect, and not par-

⁶ Unless, with Gressmann, we hold that vv. 34-35 are the original and older portion of the narrative, and that vv. 29-33 are a later, aetiological expansion, designed to offer a mythological account of the origin of the custom, the practice of which is recorded in vv. 34-35. This hypothesis, however, is on the one hand too unsubstantiated and almost too absurd to warrant discussion, and on the other hand we shall have occasion in the course of this paper to show the untenability of various phases of Gressmann's hypothesis and argument. Therefore we need not discuss this matter further here.

⁷ So also LXX instead of מרר סיני of MT. It may be noted in passing that LXX omits משה in 33; in 34 it inserts כל before בני, and for the passive עור פני משה it reads the active יצוה יהוה אהו, and finally in 35 it omits משה עור פני משה.

ticiples), and they feared to approach him. But Moses called to them, and they returned to him. And Moses "spoke" to them, and he commanded them all that which Yahwe had "spoken"⁸ to him upon the mountain. And when Moses finished "speaking" with them, he put a veil⁹ upon his face. And whenever Moses would come in (to the tent) before Yahwe to "speak" with Him, he would remove the veil until his going forth. And then he would go forth and "speak" to the children of Israel that which he had been commanded. And when the children of Israel would see the face of Moses that it shone, then Moses would replace the veil upon his face until he went in (again) to "speak" with Him.¹⁰

This passage thus tells that as the result of Moses' speaking with Yahwe his face had acquired a permanent radiance, upon which it was difficult, and in fact well-nigh unbearable, for

⁸ דבר here used in the technical sense, "to utter a דבר; therefore, to command, to charge." דבר is a particular kind of law, of absolute character, of which the laws in Ex. 34, 14-26 are typical instances.

⁹ So LXX and practically all commentators. Gressmann, however, would translate מסוה "mask" (*op cit.* 249 ff.), and then work out upon the basis of this translation a hypothesis of the wearing of sacred masks by priests in ancient Israel, while consulting the oracle. Practically the only support he can find for his hypothesis is an altogether far-fetched and unsubstantiated translation of הרפס as "sacred mask". Moreover, his hypothesis compels a radical change in the content of our present narrative. He would make it tell that Moses wears the mask while consulting the oracle, and removes it when he confers with the people, exactly the opposite to what our story does tell. A hypothesis as fanciful and artificial as this would hardly merit citation, were it not for the indisputable merit of much of Gressmann's work. Here it is unquestionable that Gressmann has far overshot the mark and has shown himself too "geistreich".

¹⁰ The following are then the Priestly emendations and interpolations in these verses:

29a. מן החר for the original סני.

29aβ. ושני לחות העדות ביד משה ברדחו מן החר interpolated.

29b. ולא for the original לא.

31a. ואחרן וכל הנשיאים בעדה interpolated.

32a. ואחרי כן נגשו כל בני ישראל interpolated.

32b. בהר סני for the original בהר.

35. עוד פני משה (not necessarily P, but probably only an anonymous and purposeless marginal gloss).

mortals to gaze. This radiance was comparable to that which, according to Ex. 33, 18ff., emanated from the face of Yahwe Himself, so that no mortal, not even Moses, might gaze upon it and live. At the same time the radiance of Moses' face was not quite so dazzling and unbearable as that of Yahwe's face, for at certain moments at least the children of Israel not only could, but apparently were required to gaze upon it, even though this was difficult for them.

For our narrative tells that when Moses descended from the mountain his face shone so brightly, that Aaron and the children of Israel who beheld it feared and fled. But at Moses' bidding they returned to him, and he communicated to them the דברים which had been revealed to him. And only thereafter, when this task was finished completely, did Moses put the veil over his face. Thenceforth he wore this veil constantly, except when he went into the tabernacle to confer with Yahwe and receive further oracular revelations or דברים. Then he would remove the veil and speak to Yahwe face to face. Thereupon he would come forth from the tabernacle and communicate to the people the new דברים that had thus been revealed to him. And the people, beholding once more Moses' shining face, would understand that he was speaking, not as a private person nor as an ordinary mortal, but as the earthly representative and mouth-piece of the Deity, His oracular priest; and what he was "speaking" was the דברים or oracular decisions which had just been communicated to him by Yahwe. And only when the divine revelation had thus been communicated formally and officially to the people, did Moses restore the veil to his face. Moses with the shining face is thus the official, earthly representative of Yahwe with the shining face, His substitute on earth as it were. And the conclusion is inescapable that about this representative of the Deity, himself with a face shining like that of Yahwe, upon which, too, mortals could look only with difficulty and fear, there hovered something of the divine. Moses has become in this story a kind of a deity, or at least a semi-divine mortal.

The effect of the Priestly insertions into this original narrative was not far-reaching, yet they served to modify slightly, but sufficiently for Priestly purpose, the original character of

the narrative. On the one hand they introduced the regular Priestly division of the people into the separate classes, Moses and Aaron, the princes, and the people at large. In this way it was probably felt that the position of Aaron, which was none too creditable in the original narrative, was redeemed and dignified somewhat. And on the other hand, the introduction in v. 29 of the reference to the two tablets of testimony, served to give the story a slightly different but quite significant reinterpretation. It was no longer Moses, the oracular priest, who regularly conferred with Yahwe and brought to the people from time to time new דברים for their edification and guidance, but it was now only that other Moses, who upon just this one occasion alone had been the medium of divine revelation, and had brought down from Sinai the Ten Commandments written upon the two tablets of testimony. This was the role which Moses is represented as playing in the Priestly portions of Exodus, chapters 19, 24 and 31, and just this is the role which this Priestly glossator, with the skillful interpolation of a few words, now makes Moses play here.¹¹

Returning now to the original narrative, its secondary character becomes readily apparent upon careful thought. Obviously it is dependent upon two stories that immediately precede it. The first of these is the account of the tabernacle outside of the camp, with Moses as the oracular priest thereof, in Ex. 33, 7-11. The second is the account of the theophany

¹¹ This leads to an important conclusion. If our narrative in its original form, without the Priestly interpolation in v. 29, told only that when Moses descended from the mountain he communicated to the people orally the דברים which Yahwe had revealed to him upon the mountain, and the reference to the two tablets of testimony is late, then it follows that the narrative immediately preceding this in Ex. 34, of which this is the ostensible continuation, must also have told only that Yahwe had communicated these דברים to Moses verbally, and could have told nothing of their having been written down by Moses at Yahwe's bidding. This would indicate that vv. 27-28 are themselves secondary, and no part of the original narrative of Ex. 34. And this in turn would obviate a number of problems that have long troubled Biblical commentators, particularly the problem of how the term עשרת הדברים came to be applied to the little group of laws in Ex. 34, especially since these are not at all ten in number. But of this elsewhere in the proper place.

upon the mountain, in Ex. 33, 12–34, 28. Originally these two narratives were entirely independent of each other, and came from altogether different sources. I have discussed briefly these two passages and the question of their authorship in an earlier paper.¹² I have shown there, that Ex. 33, 7–11, while usually assigned by scholars to the E code,¹³ for purely negative and mistaken reasons, was actually an integral part of J, and that the realization of this fact throws valuable light upon certain important religious origins and institutions among the southern pastoral tribes of Israel, in the early period of their history.

On the other hand, I have stated in this same paper, although without going into detail of evidence and argument, since space forbade this there, my general reasons for holding that Ex. 33, 1+12–34, 28, or rather the original nucleus of these verses,¹⁴ constituted the oldest piece of prose writing in the Hexateuch. This was in turn a part of an original larger Document which I called there C2. but which I have since, for sufficient reasons, come to designate as the Kenite Document and to label K. This Kenite Document, I stated there, must have been composed and promulgated in the fifteenth year of the reign of Asa of Judah, i. e. 899 B. C., and formed the basis of the far-reaching religious reforms of that king.

Then, at a date considerably later this fragment of the original Kenite Document was incorporated into the J Code by a J2 editor.¹⁵ To him are due all the amplifications of the

¹² The Tent of Meeting, *JAOS* 38 (1918), 125–139.

¹³ Probably chiefly because on the one hand they realized the close relationship between Ex. 33, 7–11 and 34, 29–35, and because on the other hand they had assigned, along with most Biblical scholars, 33, 7–11 to E, Carpenter and Harford also assigned 34, 29–35 to E. Undoubtedly had they realized that 33, 7–11 came from J they would have unhesitatingly assigned 34, 29–35 likewise to J.

¹⁴ Viz. 33, 1a, 12a, 14, 18 (reading כבוד for פניך of MT), 20, 19a (reading בעברי בשם יהוה for בני בני and בני בני of MT), 22, 23 (reading בעברי for בעבר of MT); 34, 6a, 8, 10a, and then the nucleus of the laws in vv. 14–26; and finally Num. 10, 29–32. Probably Ex. 4, 24–26 is also a fragment of this K Document.

¹⁵ Indicative of J2 are the references to the land flowing with milk and honey and the promise of Yahwe to the patriarchs in 33, 1b; אֵל in 16 and 19 (revision); the use of the theological terms טוב and כבוד in 18, 19 and 22 in order to soften

original K nucleus, found in Ex. 33 and 34. Among these we note particularly the frequently repeated motif that Moses has found favor in Yahwe's eyes, and that Yahwe knows him intimately by name. Presuming upon this favor Moses ventures to expostulate with Yahwe, to warn Him of the implications of His intended treatment of Israel, which, apparently, Yahwe had not fully realized, and to point out a better course for Him to pursue.

Now our passage in Ex. 34, 29-35, as has been said, is directly dependent upon these two originally unrelated and independent narratives. On the one hand, the motifs of Moses descending from the mountain after communing with Yahwe there, and "speaking" to the people the דברים that Yahwe had revealed to him upon the mountain top, are borrowed from the narrative of the K document. Likewise the motif that Moses' face shown so dazzlingly that the people feared to look upon it and fled, is undoubtedly dependent upon the motif of the K narrative that no man, not even Moses, could gaze upon Yahwe's countenance and live. It is impossible to tell with certainty what, according to the original concept of the K document, there was about Yahwe's countenance that made it impossible for mortals to gaze upon it. It may have been dazzling brilliance, but it may equally well have been something altogether different.

But it is certain that from the middle of the 8th century B. C. on, due undoubtedly to the growing influence which Assyro-Babylonian religion, and particularly certain solar elements thereof, exerted upon the religious beliefs and practices of Israel,

the original bald anthropomorphism of the story; 34, 2, the name Sinai for the mountain (in K it is only "the mountain"); 5, the statement that Yahwe descends in the pillar of cloud to the top of the mountain, whereas the original narrative implied that Yahwe dwelt permanently upon the mountain; 6-7, the purely theological, and therefore comparatively late, character of the divine attributes here recorded; 9, עם קשה ערף; 10, ברא. Likewise 34, 27-28, the secondary character of which we have just established, must be the work of J2. The reference to the tablets in them of course goes hand in hand with the similar reference in 34, 1-5. Moreover, in 34, 10-26, i. e. in the code of laws, many expressions and even whole clauses and sentences occur that have a decidedly Deuteronomistic flavor.

Yahwe came to be graphically conceived and represented as a divine, radiant being, emitting dazzling brilliance, just like the great gods of the Assyrian pantheon, and particularly Shamash, the sun-god.¹⁶ This brightness or light emanating from Yahwe was technically known as כְּבוֹד.¹⁷ Already about 740 B. C. Isaiah sees in his Temple vision the whole earth filled with the כְּבוֹד or radiance of Yahwe.¹⁸ A century and a half later, by which time of course, the concept had become much more developed and graphic, Ezekiel in a vision beholds Yahwe coming from the east to take up His abode once more in the rebuilt Temple, and as He comes along the earth is lit up by his radiance (כְּבוֹד). Ezekiel, likewise in a vision, sees Yahwe in human form, but emitting dazzling brightness; he calls this the כְּבוֹד יְהוָה, i. e. the "brightness" of Yahwe. And the Priestly Code, although it rejects the anthropomorphism of Ezekiel, and pictures Yahwe only as "something like the appearance of fire", enveloped in "the" cloud, still applies the same technical term כְּבוֹד יְהוָה to this fiery apparition of Yahwe.¹⁹ It is this same technical term כְּבוֹד which our J2 editor has, in order to reduce the bald anthropomorphism of the old K narrative, substituted in 33, 18 for the original פָּנִיךָ and again in 22 in the expression בַּעֲבֹר כְּבוֹדִי for the original בַּעֲבֹרִי.

Therefore when Ex. 34, 29-35 tells that Moses' face shone because Yahwe had been speaking with him, it is clear that the author here conceives of Yahwe as a shining, radiant, divine being, precisely in the manner that, as we have just seen, became increasingly general in Israel from the middle of the 8th century B. C. on. He has interpreted the motif of the original K story, that no mortal could look upon Yahwe's face, in the manner current in his day, viz. that because of the radiance emanating from the person, and presumably particularly from the face of

¹⁶ As for example upon the well-known and oft-pictured uppermost portion of the famous Hamurappi-stone, where Shamash is represented as giving the laws to the king; note particularly the rays of light coming forth from behind the shoulders of the sun-god.

¹⁷ See my monograph, *Biblical Theophanies*, ZA 25 (1912), 139-153.

¹⁸ Is. 6, 3.

¹⁹ Ex. 24, 15-18; 40, 34-38; Num. 9, 15-23.

Yahwe, it meant death to gaze upon Yahwe's face.²⁰ It is this same author who softened the gross anthropomorphism of the original K story by speaking of Yahwe's כָּבֹד instead of Yahwe's face, and of the passing of Yahwe's כָּבֹד before Moses, instead of the passing of Yahwe Himself, and who now tells us here of Yahwe with the shining, dazzling face, and of Moses' face shining too in consequence of his having spoken with Yahwe. The motif of the shining face of Yahwe, which he introduced into his revised version of the original K story, he has enlarged upon and extended to Moses too in Ex. 34, 29-35.

On the other hand, as said above, the motif of Moses' going in before Yahwe on frequent occasions, in order to consult the oracle and receive new דְּבָרִים from Yahwe, is dependent upon the J narrative of the Tent of Meeting outside the camp, and of Moses, as the oracular priest, going out there to meet with Yahwe, in Ex. 33, 7-11. There it says explicitly that Yahwe would speak to Moses "face to face just as one man speaks to another." Precisely this is what happens in 34, 34-35. Here, too, Moses removes the covering from off his face, and accordingly he and Yahwe converse face to face.

Now it is significant that there is one glaring and unharmonizable contradiction between the J narrative in Ex. 33, 7-11 and the original K narrative that follows immediately after it. The former tells that Yahwe and Moses speak to each other face to face; the latter, on the contrary, tells that no mortal, not even Moses, could gaze upon Yahwe's face and live. For this reason it is, so the K story says, that Yahwe causes Moses to stand in the cave upon the mountain top, and as He passes by, covers the mouth of the cave with His hand; and only when He has completely passed by, does He remove His hand, and thus permit Moses to catch a glimpse of His back, while at the same time His face remains unseen.

Apparently the J2 editor, who combined the J and the K narratives, was conscious of this contradiction and tried to soften it, though without much success. For this reason probably he introduced the rather ambiguous and general request of Moses,

²⁰ So Isaiah too reasoned when he said (6, 5), "Woe is me . . . for mine eyes have seen the king, Yahwe Šebaot."

that Yahwe would cause him to know His way in order that he might know Yahwe truly, and thereby feel certain that he would always find favor in Yahwe's eyes (Ex. 33, 13). To this general request Yahwe unthinkingly assents and says, "Even this thing which thou hast spoken will I do, for thou hast found favor in Mine eyes" (v. 17).²¹ And then having gained this general assent to his request, Moses becomes specific and asks to see Yahwe's face. Thus according to the revised J2 version of the story, Yahwe finds Himself cleverly entrapped by Moses. On the one hand He has promised to grant Moses' request; but on the other hand the request is physically impossible, for according to the original K narrative, no mortal, not even Moses, may see Yahwe's face. And so He compromises and concedes to Moses a glimpse of His back and also the knowledge of His true name, which impliedly Moses had not known up to this time; but His face remains unseen. And with this Moses must needs content himself. At least, in the revised J2 version of the story, Moses has gotten the upper hand over Yahwe, and wrested a valuable concession from Him.²² None the less the original contradiction is not removed; rather it is henceforth ignored by the J2 editor.

And just this is what he continues to do in Ex. 34, 29-35. The contradiction is still there in a way. Yahwe with the shining face may still not be gazed upon by mortals. Violation of this prohibition means something greatly to be feared and fled from; perhaps death. Even Moses' shining face the people fear to look upon; and from the consequences of ordinarily gazing upon it he must protect them by covering his face constantly, except when he is communicating the oracle to them. But Moses

²¹ That these words can not refer to Moses' implied request in vv. 15-16 that Yahwe Himself go along in Israel's midst, is proved by the fact that in 34, 9 Moses again entreats Yahwe to go along in the midst of the people. This repeated request would be inexplicable had Yahwe already consented in 33, 17 to accompany Israel. It is clear therefore that 33, 17 can refer only to Moses' request to be taught Yahwe's way in v. 13.

²² Perhaps, too, we may discern here something of the thought that the knowledge of Yahwe's name, thus gained by Moses, gives him henceforth a certain power over the Deity, whereby he can compel the latter to do his bidding. But if anything of this thought had been present in the mind of the J2 editor, he nowhere gives any evidence thereof.

himself enjoys the right which he has wrested from Yahwe, of going in before Him, despite the latter's shining face, with its dire consequences for ordinary mortals, and speaking with Him face to face. Moses has ceased to be an ordinary mortal. His face shines too, almost as brightly and direfully as Yahwe's. Manifestly to the J2 editor Moses has become in a very literal sense semi-divine.

But the presence of these two originally completely independent and contradictory motifs, thus closely woven together, indicates beyond all doubt that our story in Ex. 34, 29-35 is based upon and grew out of, not the two original stories as they first existed separately and independently, the one in the K Document and the other in the J Code, but upon the combination of the two as we now find them in Ex. 33 and 34, and as they were woven together, despite the contradiction, by the J editor who incorporated the older K Document, or rather this fragment thereof, into the younger J Code. Clearly, therefore, Ex. 34, 29-35 is, in its original form, before the insertion of the Priestly elements, the work of J2, and even belongs to a late stratum within J2.

II

But this picture of Moses as a demi-god, or at least as a semi-divine being, which J2 has created, and which we have thus unfolded, does not stand isolated in Ex. 33 and 34. Other portrayals of this same picture exist elsewhere in the Hexateuch and particularly in the J E accounts of the revelation at Sinai and the attendant and subsequent events.

Thus in Ex. 32, 9-14 and again in vv. 30-34²³ we have the same picture of Moses expostulating with Yahwe, and convincing

²³ Ex. 32 is one of the chapters most complex and difficult of analysis in the entire Hexateuch. This becomes doubly clear when one notes the wide diversity in the conclusions of various Biblical scholars with regard to its composition. This much is clear, however, and is admitted by practically all commentators, that vv. 9-14 and 30-34 are interpolations, which very obviously have little or no connection either with what precedes or what follows in the chapter, but instead seriously interrupt the continuity of the main narrative. The following table, supplementing that of Holzinger, *Einleitung*

Him by the force of his arguments that His first impulse to destroy Israel because of its sin was unwise and wrong, and that despite Israel's sin it would be better for Him to forgive it. Above all would not Egypt say that Yahwe was a false god and had deceived Israel and brought it forth from bondage only to slay it in the wilderness? For the sake of his reputation, for His name's sake, in other words, Yahwe dare not destroy Israel in the manner He has contemplated. Moreover, let Him remember the patriarchs and His promise to them to give the land of Canaan to their posterity as an everlasting possession. And as for Yahwe's word that he would raise up the descendants of Moses to become a great people in place of Israel, let Yahwe dismiss that from His mind; certainly he, Moses, is not attracted by the prospect. Finally, Moses almost threatens, Yahwe must forgive Israel; if not, then let Yahwe blot Moses, too, from His book, presumably the book of life; to which Yahwe, on the defensive, replies, that only him who sins will He blot from His book; and as for Israel's punishment, He will defer that for the present. All in all in this argument the victory certainly rests with Moses. We need not hesitate to conclude with most scholars, that both these passages are Yahwistic, and since both are manifestly interpolations, that they are the work of J2.

A similar thought is presented in Num. 11, 10-15, 18-23 and 31-34.²⁴ There the people, weary of the manna, hunger for meat, and weep at the doors of their tents. This naturally vexes Yahwe greatly, and, strangely enough, He seems to hold Moses responsible for this. But this Moses resents bitterly, and in no uncertain terms he answers Yahwe with counter-

in den Hexateuch, shows the assignment of these verses to the various sources by modern Biblical scholars.

	Bacon 1894	Kautzsch 1896	Addis 1898	Holzinger 1900	Carpenter and Harford 1902	Baentsch 1903	Kent 1905	Gress- mann 1913	
vv. 9-14	J	JE	J	JE	RJE	Es	E2	J2	
vv. 30-34	E	J	J	JE	E2	Es	E2	J2	

²⁴ As the following table will show, there is practical unanimity among scholars that these verses come in the main from J. Some scholars distinguish between primary and secondary sources and others assign, although on very

reproach, and even not without sarcasm, and utters his full mind openly and unrestrained, "Why dost Thou reproach²⁵ thy servant, and why have I not found favor in Thine eyes, that Thou layest the blame²⁶ for all this people upon me? Have I conceived all this people, or have I given them birth, that Thou sayest to me, 'Carry them in thy bosom, just as the nurse carries the babe, to²⁷ the land which Thou hast sworn to their fathers?' Whence should I get meat to give to all this people, when they wail against me, saying, 'Give us meat and let us eat?' I can not carry all this people alone, for it is too heavy for me. So if Thou wantest to do with me thus, then slay me, if I have found favor in Thine eyes; but let me not see myself reproached."²⁸

And again, apparently, Moses' argument has convinced Yahwe. At any rate He assumes the responsibility for providing the people with the meat for which they have been yearning. But His wrath is not appeased. It is merely turned from Moses to the people, and He promises that this meat, for the sake of which they had rejected Him, shall be to them, not a blessing but a curse, for they shall eat until they sicken of it. To which Moses' sole reply is to express doubt of Yahwe's ability to provide meat in this copious manner for such a multitude of people. This Moses, it is clear, is anything but meek.

questionable grounds, a few verses to E or E2. A few of the older scholars assign verses without distinction to JE.

	Bacon	Kautzsch	Addis	Holzinger	Carpenter and Harford	Baentsch	Gray	Kent	Gress- mann
vv. 10-15	J	JE	J 10-13, 15 E 14	J 10, 13 E 11, 12, 14, 15	J 10-13, 15 E 14	J 10-13, 15 E2 14	J	J	J 10a. c.-13 E 10b
vv. 18-23	J	JE	JE	J 18-20 JE 21-23	J	J	J	J	J 18c-20 J2, 21-23 E 18ab
vv. 31-34	J	JE	JE	J	J	J	J	J	J 31-32 33bd J2 34 E 33ac

²⁵ Literally, "do evil"; note the use of the term רָעָה in the same meaning.

²⁶ Literally, "burden" or "responsibility".

²⁷ Reading מֵאֵל for לֵךְ with LXX.

²⁸ Literally, "Let me not look upon my evil".

It is a different Moses altogether from the Moses of the J and E codes proper. And in passing we may note the recurrence in these verses of the motif already met with in Ex. 33, of Moses having found favor in Yahwe's sight.

The same theme presents itself again, and in most characteristic manner, in Num. 14, 11-25.²⁹ There Yahwe is angered because the people put faith in the false reports of the eleven spies, and not in Him and His promise to them, and again announces His intention to destroy Israel, and to make of Moses a people greater and mightier in its place. But again Moses rejects the proposition absolutely, and instead urges Yahwe to reconsider His intention, and advances cogent arguments to support his view. When the Egyptians will hear that Yahwe has brought up this people through His power from the midst of Egypt, only to let it perish completely in the wilderness, they will say to the other nations round about, who have heard of Yahwe's fame,³⁰ "It was because Yahwe was unable to bring this people to the land which He had sworn to give them, that He has slain them in the wilderness". Now let Yahwe show His true power, and be gracious unto the people, and forgive them, in accordance with His true nature, which He had previously declared unto them. Moved by this unanswerable argument, Yahwe yields, but with a reservation. He will forgive the whole people for its lack of faith in Him, yes; but as surely as His "radiance"³¹ fills the whole earth, the false spies must be punished; they shall perish; but Caleb, who alone had been faithful, shall be rewarded.

²⁹ Here, too, there is almost complete unanimity among modern Biblical scholars, as to the J origin of practically this entire passage, as the subjoined table shows:

	Bacon	Kautzsch	Addis	Holzinger	Carpenter and Harford	Baentsch	Gray	Kent	Gress- mann
vv. 11-25	J	RJE	JE	JE 11 21- 24 25b JE 12-20 25a gloss	J 11-24 E 25	RJE 11- 23 E or RD 24f RP in 14	J2	J2	J 11a E2 11b- 24

³⁰ LXX reads, more appropriately, שמעך for שמך. Targum, feeling the awkwardness of שמעך, paraphrases to שמע וברתך.

³¹ Literally, "His glory"; cf. above p. 9

Here again we note the recurring motifs of Yahwe enraged because of the people's lack of faith in Him, His intention to destroy all Israel, and raise up from Moses a better nation in its place, Moses' prompt rejection of this attractive offer, and instead his cogent argument, that despite Israel's lack of faith, Yahwe must nevertheless forgive; for otherwise what will Egypt and the other nations say, and what false interpretation will they put upon this act; in other words, for the sake of His name, in order to save His reputation among the nations, Yahwe dare not destroy Israel; and finally there is again the motif of Yahwe, convinced by these arguments, changing His mind and consenting to pardon Israel.

We note also the direct reference in vv. 17f. to the undoubtedly related passage in Ex. 34, 6ff, and the almost exact quotation of vv. 6f. of that chapter, and likewise the reference to Yahwe's "glory" or radiance filling the entire earth, strikingly similar both in thought and expression to Is. 6, 3.

III

There can be not the slightest question that all these passages, all quite certainly Yahwistic and all obviously secondary, are closely related, are in fact the work of one J2 writer or group of writers. The conception of Yahwe and the picture of Moses and his relation to Yahwe are the same in all the passages. The same motifs repeat themselves again and again, of Moses finding favor in Yahwe's eyes, of Moses venturing to argue with Yahwe, and even to scold Him, and in every case, inducing Him by the force of his arguments to change His mind, and forego His intention of destroying Israel as punishment for their lack of faith in Him; and particularly the argument that Yahwe must do this for the sake of His name; of Yahwe's intention of raising up a new people, the descendants of Moses, in Israel's stead, and Moses' prompt and absolute rejection of this proposal. The motif of Moses' face shining because of the radiance emanating from Yahwe's face, is paralleled somewhat by the statement in Num. 14, 21 that Yahwe's "glory" or radiance fills the whole earth.

These considerations offer a fair indication of the approxi-

mate date of composition of these passages. Very obviously Num. 14, 21 is borrowed directly from Is. 6, 3, and must be later than that passage.³² Likewise the concept that Yahwe might destroy Israel and raise up for Himself a new people in its stead must be later than the first promulgation of this thought by Amos. Furthermore, the motif of Yahwe's anger, roused by Israel's lack of faith in Him, a lack of faith manifested not by desertion to and worship of other gods, but rather by distrust of Yahwe's power and of His ability to cope with the difficult situation that confronts Israel, suggests very strongly the doctrine of faith in Yahwe as it developed in Israel from the days of Isaiah onward. All these considerations point unmistakably to a time later than Isaiah as the period when this little group of J writings must have been composed.³³

³² Similarly Ps. 72, 19 is dependent either upon Is. 6, 3, or upon both of these passages.

³³ Another, though rather vague, indication of the approximate date of these J2 passages, may perhaps be seen in the reference to Yahwe's book from which Moses asks that his name be blotted out, in Ex. 32, 32f. It is clear that in this book the names of the righteous are regarded as recorded, for in v. 33 Yahwe says explicitly that only the name of him who sins will be blotted from His book. The inference can hardly be avoided that the recording of the names of the righteous in this book implies that they are to receive some worthy reward, probably length of days; and correspondingly the blotting out of the names of the sinners from the book would probably imply that this privilege of length of days is denied them, that in other words their lives are shortened and their days numbered. There is as yet nothing of the thought of recording these sinners for some positive punishment in the hereafter. This idea here is earlier than the doctrine of future life and reward and punishment. This book of Yahwe is therefore indeed a book of life and also a book of destiny.

The most striking parallel to this idea here is found in Ps. 69, 29. There the Psalmist prays that the sinners be blotted out from the book of life, and be not inscribed with the righteous. This psalm is recognized by all modern scholars as post-exilic. Other references to this book of Yahwe and kindred ideas, some of them, however, quite obscure, occur in Is. 4, 3; 34, 16; Mal. 3, 16; Ps. 40, 8; 56, 9; 139, 16; and Dan. 12, 1. All these passages without exception are pronounced post-exilic by practically all Biblical scholars. Some of them are obviously late post-exilic.

Clearly therefore the oldest as well as the most explicit Biblical reference to Yahwe's book is this in Ex. 32, 32f. Yet it can not date from a period very much earlier than the other references to the same idea. Its implied doctrine

However, the most positive indication of the date of composition of these passages is furnished by the recurrent motif that Yahwe must guard His reputation, both in Israel and among the nations; and although Israel has undoubtedly sinned grievously, He must nevertheless forgive Israel, not because of any merit on Israel's part, but for two altogether independent considerations. In the first place, because of His promise to the patriarchs, made to them as a reward of their meritorious deeds, that He would prosper their children and give them the land of Canaan as an everlasting possession, He may not destroy Israel, no matter how grievously it has sinned. And in the second place, He may not destroy Israel "for His name's sake"; for what would the nations say, and what unjust, but altogether natural and logical, inference would they draw with regard to His lack of power and His bad faith with Israel, should He allow His people to perish?

First of all, it should be noted that one striking parallel to this thought that Yahwe's name must be established among the nations, and particularly in Egypt, occurs in the Hexateuch, in Ex. 9, 14-16. These verses are general in their content, and deal with no one specific plague, and manifestly interrupt the continuity of the narrative. In them Moses is made to declare to Pharaoh that the ultimate purpose of all the plagues is, not so much to bring about Israel's deliverance from Egypt, as rather to make the Egyptians realize that there is none like Yahwe in all the land of Egypt. Furthermore, Yahwe might have destroyed Pharaoh long ere this, and has allowed him to continue to exist thus far only in order that His name and fame might be heralded throughout the entire earth. This is exactly the same thought that we have encountered so often in the passages already discussed. All scholars are agreed that Ex.

of divine reward of righteousness consisting in length of days, and divine punishment for sin consisting in brevity of days, is fundamental in Deuteronomic theology (cf. Ex. 20, 12; Deut. 4, 26, 40; 5, 16, 33; 6, 2; 11, 9, 21; 17, 20; 22, 7; 25, 15; 30, 18, 20; 32, 47). All this evidence points likewise to the conclusion that this J2 passage in Ex. 32, 32f. can not at the very earliest antedate by many years the Deuteronomic period beginning in the last half of the 7th century B. C.

9, 14-16 are secondary, either the work of J2 or RJE. Probably we need not hesitate in assigning them to the same J2 writer or writers, as the author of the J2 passages which we have analyzed.

Outside of these Hexateuchal passages, the concept or doctrine of the importance of Yahwe's reputation, and that He must act for the sake of His name is met with very frequently in Biblical literature from Jeremiah on. In the earlier literature not a trace of this doctrine can be found. On the contrary, all the earlier, pre-Jeremiah prophets speak uncompromisingly, even though sorrowfully, of Yahwe's complete, or almost complete destruction of Israel for its sins. But with Jeremiah a new note is struck, and we find him pleading with Yahwe, "Even though our transgressions testify against us, O Yahwe, act for the sake of Thy name. . . . Dost Thou utterly reject Judah; or dost Thy soul loathe Zion; why hast Thou smitten us, so that there is no healing for us? We expected prosperity, but there is no good, and a time of healing, but behold, dismay! O Yahwe we know our iniquity, and the sin of our fathers; for against Thee have we transgressed. Do not despise us, for Thy name's sake; do not abhor the throne of Thy glory; remember and do not annul Thy covenant with us".³⁴

In Ezekiel this doctrine is developed even further, and in a form practically identical with that in which it is expressed in our Hexateuchal passages. In chapter 20 the prophet reviews the entire course of Israel's history, from the day when Yahwe first chose it for Himself in Egypt unto his own day. He finds that again and again Israel has sinned against Yahwe and has been faithless to Him, in Egypt, in successive generations in the wilderness, in the land of Canaan. And on each occasion Yahwe's first impulse was to destroy Israel completely for its iniquities. But second thought always prevailed; and despite Israel's unquestioned sin and well merited punishment, "I acted for My name's sake, so as not to profane it before the eyes of the nations, in whose midst they (Israel) were, before whose eyes I had revealed Myself to them, in order to bring them

³⁴ Jer. 14, 7 and 19-21.

forth from the land of Egypt.”³⁵ Quite similarly Deutero-Isaiah says, “For My name’s sake I postpone My anger in order not to cut thee off.”³⁶ In the post-exilic literature the doctrine finds frequent expression and considerable amplification.³⁷

And as for the second motif, that Yahwe must forgive Israel because of the patriarchs and His promise to them, to prosper them and give them the land of Canaan as an everlasting possession,³⁸ the earliest Biblical reference thereto, outside of the passages which we have considered, is Deut. 9, 5 and 26ff. There the thought is expressed, that not because of Israel’s righteousness and merit is Yahwe giving it the land of Canaan as a possession, but rather partly because of the iniquity of the nations dwelling there before Israel, and partly to fulfill the word which He swore to the patriarchs. And then the passage concludes, “And I prayed to Yahwe, and said, ‘O Yahwe, do not destroy Thy people and Thy possession, whom Thou has redeemed through Thy greatness, whom Thou didst bring forth from Egypt with a strong hand. Remember Thy servants Abraham, Isaac and Jacob; turn not to the stubbornness of this people, nor to its iniquity nor its transgression, lest the land, whence Thou didst bring them forth should say, “Because Yahwe was unable to bring them to the land which He promised them, and because of His hatred of them, has He brought them forth, to let them die in the wilderness.” For they are Thy people and Thine inheritance, whom Thou hast brought forth in Thy great strength and with Thine outstretched arm’”. The argument of this prayer and its purpose are exactly the same as those of Moses’ intercession with Yahwe in the passages which

³⁵ Ez. 20, 9; cf. vv. 14, 22 and 44.; cf. also 35, 16–36; 39, 1–7. Cf. likewise Jer. 32, 16ff. (a secondary passage, probably the work of the editor of Jeremiah, rather than of the prophet himself), for a similar formulation of the thought.

³⁶ Is. 48, 9.

³⁷ Cf. in particular I Ki, 8, 41–43 and II Chron. 6, 32f.; Mal. 1, 11 and 14; Ps. 25, 11; 31, 4; 102, 16; 106, 8; 109, 21; Dan. 9, 15.

³⁸ This thought developed in Jewish theology into the important doctrine of “the merit of the fathers”.

we have considered. And as vv. 22f. indicate, this prayer is intended as a reproduction of the general theme of Moses' prayers to Yahwe in the above passages.

The same thought occurs again in II Ki. 13, 23. This verse tells that Yahwe did not permit the complete destruction of Israel by Hazael, but showed mercy and favor unto them because of His covenant with the patriarchs. And the Book of Micah concludes with a similar thought, that because of His oath to the fathers in the days of old, Yahwe will forgive Israel and not visit upon it the deserved punishment for its sins; and at the same time He will set His fear upon the nations. All these three passages are exilic or post-exilic.

And one further consideration. Jer. 15, 1 represents Yahwe as saying to the prophet, "Even if Moses and Samuel would stand before me, I would have no compassion upon this people." This utterance obviously rests upon the tradition which must have been current in the prophet's day, that Moses and Samuel had enjoyed unusual influence with Yahwe, and were wont to sway Him in His decisions by their counsel and prayers. At the bottom of this tradition lay the popular belief, seemingly especially strong in the prophet's day, that certain particular persons, recognized generally as favorites of Yahwe, and therefore enjoying especial influence with Him, could move Him by their prayers and entreaties. The principle finds its most general expression in a passage from E,³⁹ where God says to Abimelech in a dream. "Return the man's wife; for he is a prophet; and let him pray for thee, that thou mayest live." And when Sarah is returned to Abraham he does pray for Abimelech and the latter is healed.

In accordance with this tradition, ascribing to Abraham the power of moving the Deity by his prayers to act in accordance with his views, we find in Gen. 18, 17ff., Abraham supplicating Yahwe in behalf of the people of Sodom, and arguing with Him in characteristic and effective manner. The basis of his argument is that the Judge of all the earth must do justice; and surely it would not be justice to destroy the entire city, and

³⁹ Gen. 20, 7 and 17.

thus slay whatever righteous people might be therein together with the wicked. Convinced by this argument, Yahwe finally agrees that if only ten righteous men can be found in the city, He will not destroy it, but will spare it for their sake.

The theology of this passage is interesting and significant. It is later than Amos, for it rejects absolutely as unjust and unworthy of the God of justice, who is the Judge of all the world, the thought that in the destruction of the sinful city the righteous few who might be found therein should be included. It is much closer to Isaiah's doctrine of the righteous remnant who will in divine justice be saved when God brings upon the wicked nation its merited doom. But it differs in one essential and significant respect from Isaiah's doctrine. The latter sees no hope of escape and salvation for the sinful portion of the nation; they must perish utterly; and only the small, righteous group, consisting of the prophet and his disciples, will be saved and return. In contradiction of this doctrine, Abraham's intercession with Yahwe advances the claim that the merits of the very few righteous can and should compensate for and avert the well-deserved punishment of the wicked many; it is a doctrine, not of vicarious atonement, but of vicarious salvation, far removed indeed from Isaiah's thought. Certainly it is a later development than Isaiah's doctrine; for obviously had not that been promulgated first, with its original and clear-cut distinction between the righteous and the wicked groups within the nation, this latter doctrine could never have been conceived.

The nearest approach in the Bible to the principle underlying Abraham's argument is to be found in Ezek. 14, 14ff.,⁴⁰ where the Deity is represented as informing the prophet that Israel's corruption is such that even the righteousness of Noah, Daniel and Job could suffice only to save themselves, but could not redeem the people from their merited and sure destruction.⁴¹ And another approach to this thought may be seen in the above-

⁴⁰ As Skinner has pointed out, *Genesis*, 305.

⁴¹ At first sight this passage seems to reject the doctrine of vicarious salvation; but this is more seeming than real. Actually the passage affirms the doctrine in a general way, for it seems to say by implication that ordinarily the righteousness of these three perfect men might have effected vicarious

mentioned doctrine of "the merit of the fathers", viz. that Yahwe must spare Israel because of the righteousness of the patriarchs and His promise, made to them as the reward therefore, to make of their descendants a people great and mighty, the recipients of His unending protection and favor. But, as is perfectly clear, and as has been already intimated in the case of the latter doctrine, both of these considerations are comparatively late, certainly not earlier than the beginning of the Babylonian Exile, or, at the very earliest, shortly antedating this.

Likewise, the theory of universalism of Gen. 18, 17ff., is comparatively late. Yahwe is pictured here as the Judge of all the earth in the absolute and disinterested sense, rather than in the relative sense that His primary interest and concern are in and for Israel, which we find in Amos. Abraham's broad sympathy and solicitude for the welfare of the non-Israelite people of Sodom approximate the prophetic thought of the exilic and post-exilic period, as reflected in Deutero-Isaiah, Ruth and Jonah, rather than in pre-exilic literature. An analysis of Gen. 18 establishes beyond all question that the verses recounting Abraham's intercession with Yahwe on behalf of the people of Sodom disturb the continuity of the main narrative and have no essential unity with it. Very clearly they are a late insertion into the main narrative, and the product, in all likelihood, of the exilic period at the very earliest. That they are Yahwistic in character is agreed to by all scholars, and is beyond question. We must therefore set them down as the work of some J2 writer, who manifestly belonged to the same theological and literary school as the author or authors of the various Moses traditions which we have analyzed. Clearly then the picture of Moses and Abraham as the effective intercessors with Yahwe, who by their prayers and arguments can divert Him from His first, ill-advised purposes to a program far more in accord with His dignity, honor and justice, proceeded from one and the same late group of Yahwistic theologians and writers. And it is apparent that their

salvation; but in this particular case Israel's sin is so extreme that the righteousness of even these three saints could not counterbalance it; therefore vicarious salvation is now out of the question.

additions to and reediting of the older J Code were of quite considerable extent, far greater than is usually imagined.⁴²

Similar powers of praying to Yahwe on behalf of others, and inducing Him to conform to the wishes expressed, were enjoyed, according to the Biblical traditions, by Elisha;⁴³ and apparently in his own day Jeremiah himself enjoyed a like reputation.⁴⁴ But above all others, it seems, according to Biblical tradition, that this power was possessed in the extreme degree by Moses and Samuel,⁴⁵ just as Jer. 15, 1 implies. Samuel's high reputation in this direction is evidenced by I Sam. 7, 5; 8, 6; 12, 19 and 23. And Moses' powers of intercession with Yahwe are indicated in

⁴² This raises an interesting and important question, viz. if we are compelled to posit for these J2 writers and editors, as all the cumulative evidence indicates, a date at the very earliest not much before the time of Jeremiah, and perhaps even somewhat later, then we shall have to alter radically the generally accepted date of the composition of the J Code, and perhaps also that of the E Code as well, and of their being eventually edited together as JE. We shall then have to claim for all this literary activity a date either preceding but little the Babylonian Exile or not improbably even reaching into it. This conclusion, however, would solve a number of significant problems, such as the very pronounced universalism of the J portions of the first eleven chapters of Genesis, and the unmistakable relationship of the thought and doctrine of these and other manifestly late passages in J with the thought and doctrine of Deutero-Isaiah. (For the thesis that Deutero-Isaiah lived and wrote in Palestine cf. Maynard, "The Home of Deutero-Isaiah", JBL XXXVI (1917), 213-224; Bittenwieser, "Where Did Deutero-Isaiah Live?", JBL XXXVII (1918), 94-112). This would account in the most reasonable and satisfactory way possible for the Babylonian affinities of the J, as well as of the P, portions of Gen. 1-11.

⁴³ II Ki. 4, 33; 5, 11; 6, 17f. Similar powers are ascribed to the anonymous prophet of Judah (I Ki. 13, 6) and to Job (Job 42, 8ff.).

⁴⁴ Cf. Jer. 7, 16; 11, 14; 32, 16; 37, 3; 42, 2, 4, and 20.

⁴⁵ And, as we have seen, by Abraham also. The fact that Jer. 15, 1 does not mention Abraham, too, may perhaps indicate that the tradition that Abraham also possessed these powers to such a high degree, developed at a time later than the composition of Jer. 15, 1. This would accord with the suggestion made above, that the J2 writings, or at least portions thereof, are the product of the period either immediately preceding or else extending into the Babylonian Exile.

Num. 12, 13ff.; 21, 7;⁴⁶ Deut. 9, 20 and 26ff., in addition to the passages which we have previously analyzed.⁴⁷

Now it is noteworthy that of all these passages here cited, in which the belief in the ability of the "man of God" to influence, and even to reverse Yahwe's intentions, only one, viz. that in Gen. 20, 7 and 17, which, as we have said, comes from E, can possibly be older than the passages which we have under consideration.⁴⁸ All the other passages without exception were composed either during the Babylonian Exile, or at the very earliest, but shortly before it. Moreover, the amply attested fact that Jeremiah enjoyed a considerable popular reputation as an effective interceder with Yahwe, and the reference to Moses and Samuel in Jer. 15, 1 evidence the wide currency of this belief in his day. Inasmuch as I Sam. 7, 5; 8, 6 and 12, 19, 23 are certainly Deuteronic, they must be later than Jer. 15, 1. Consequently the reference to Samuel there can not be dependent upon the particular tradition recorded in these passages in I Sam., but must instead mirror the popular conception of Samuel in Jeremiah's day, which in time gave rise to the particular traditions recorded in these passages of I Sam.

On the other hand the reference to Moses in Jer. 15, 1 may depend not merely upon a similar popular conception of him current in Jeremiah's day, but more specifically upon these very traditions and narratives recorded in the J2 passages. Certainly all our passages are older than Deut. 9, 26 ff. for the almost literal quotations there from Ex. 32, 12; 33, 13; and Num. 14, 16 are unmistakable.⁴⁹ In other words the composition of these passages must antedate somewhat the Babylonian Exile, and presumably also the composition and the utterance of Jer.

⁴⁶ Both these passages are assigned by practically all modern scholars to E, although on grounds which seem quite insufficient, and which speak just as strongly for J authorship.

⁴⁷ Here we have the explanation of the oft-repeated motif, which we have noted in the passages which we have analyzed, of Moses finding favor in Yahwe's eyes. It is this favor which he enjoys to such a high degree, that enables him to intercede with Yahwe so daringly, and even presumptuously, and also so successfully.

⁴⁸ And, as we have just intimated, it may not be much older.

⁴⁹ Cf. Gray, *Numbers* (*International Critical Commentary*), 155.

15, 1. On the other hand, they must be later than Is. 6, 3, for the dependance of Num. 14, 21 upon that passage is self-apparent. In fact the whole conception of Yahwe with the shining face, upon which no mortal, with the single exception of Moses, dare look, which reached its culmination in Ezekiel's figure of the *Kebod Yahwe*, seems to be a development out of the simpler, almost germinal picture of Yahwe in the Temple, a radiant being, seated upon a throne, and surrounded by seraphim, and the whole Temple filled with smoke, and no mortal daring to gaze upon Him, of Is. 6. But if so, it represents a quite considerable development from this earliest picture, and one that could hardly have come about in a short space of time.

This fact, coupled with the reference to Moses in Jer. 15, 1, with the additional fact that in Jeremiah's day the belief in the power of certain favored individuals like Moses, Samuel and Jeremiah to intercede with Yahwe and induce Him to change His purposes and forego His intentions, and with the further fact that in this day the theological principle that Yahwe must act for His name's sake, and even go so far as to forgive Israel for its many sins and remit its well-merited punishment in order to preserve His reputation among the nations, and finally the presence in these passages of the earliest expression of the later theological doctrine of the "merit of the fathers", all these facts point to a time antedating but very little, if at all, the utterances of Jeremiah, as the most probable period of composition of our J2 passages. In other words, we may with reasonable certainty fix the last half, or perhaps even the last quarter, of the 7th century B. C. as the time of the composition of the group of Hexateuchal passages which we have considered.

It is quite clear that in the century, more or less, that intervened between the earliest period of J writing⁵⁰ and the composition of these passages, the figure of Moses had expanded in characteristic, legendary manner. From a simple, mortal being, endowed with powers but little above the average, and in some respects, as for example in the gift of speech, even below the average, who achieved only through Yahwe's constant

⁵⁰ Circa 800-740 B. C.

help and encouragement and even insistence, Moses has developed into a being that transcends all the powers and bounds of ordinary mortality, who plans and achieves through his own wisdom and might, whose face shines almost like Yahwe's with a radiance that defies all mortal vision, and who ventures again and again to counsel Yahwe, to point out, with greater foresight and vision than Yahwe Himself possesses, consequences of His intended actions, which He Himself had not anticipated, and even on occasion to correct and rebuke Him and to reject His proffered favor uncompromisingly. This Moses is no longer a mere mortal; he has become almost a demi-god. Moses with the shining face is indeed a most interesting and significant figure of early Jewish legend,⁵¹ and marks in a way the beginning of that long and fascinating development which we find in the later Aggada.

⁵¹ Apparently legend began to play with the figure of Samuel in much the same way. At least so the reference in Jer. 15, 1 and the traditions in the Deuteronomic portions of I Samuel would indicate. But seemingly the figure of Samuel did not lend itself well to legend; at any rate the development in this direction was not great. Obviously the figures of Elijah and Elisha, and more particularly the former, loaned themselves much better to legendary expansion, so that Elijah became, second only to Moses, a favorite figure in Jewish legend. In this connection it is interesting to note the association of Elijah with Moses in the legend of the transfiguration of Jesus (Mat. 17, 3ff.; Mark 9, 4ff.; Luke 9, 30ff.). According to the version of Luke, Moses and Elijah appear "in glory", while the face of Jesus and his raiment and whole appearance become white and dazzling. It is clear that this is a very remarkable expansion of the early legend of Moses with the shining face.

It may be noted also in passing that another interesting development of the concept of Yahwe with the radiant countenance, is the idea that he upon whom Yahwe would let His countenance shine would enjoy His favor; cf. the priestly blessing (Num. 6.25), "May Yahwe let his face shine upon thee and be gracious unto thee".

THE CHALDAEAN DYNASTY

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JEREMIAH CALLS THE CHALDAEANS "an ancient nation".¹ If this does not mean that we may, with scholars of a former generation, apply this term to the earliest inhabitants of Babylonia, by the prophet's day they might boast a very respectable antiquity. The first certain member of the dynasty which was to include the great Nebuchadnezzar appeared in 851, a rather unimportant king of the sealands named Iakin who presented tribute to Shalmaneser III.² Unimportant as he was, it was from him that his descendants came to be known as Bit Iakin, the "House of Iakin", and the same title was applied to the lands they occupied in the swampy south of Babylonia. Adad-nirari III found the Chaldaeans plundering Babylonia and shortly after one of their chiefs, Marduk-apal-iddina II, the second Merodach Baladan, held the throne of Babylon (804-802) to be followed by Eriba Marduk (800-760), son of Marduk-shakin-shum, and Nabu-shum-ishkun (760-747).³

Son of the last was the Biblical Merodach Baladan, Marduk-apal-iddina III, who as a chief of the nomads paid tribute to Tiglath Pileser III in 731,⁴ and under Sargon became king of Babylon, only to lose the throne to his opponent near the end of his reign,⁵ and to recover for the moment under Sennacherib⁶.

¹ Jer. 5:15.

² Balawat Ins., IV. 1ff.; Olmstead, *AJSL*. XXXVII. 219f.; *History of Assyria*, 123, 250.

³ Cf. Olmstead, *AJSL*. XXXVII, 223; *History of Assyria*, 175.

⁴ Tablet 13ff.; Olmstead, *AJSL*. XXXVII. 228; *History of Assyria*, 180.

⁵ Sargon, *Ann.* 21ff.; 228ff.; Olmstead, *Sargon*, 43ff.; 129ff.; *History of Assyria*, 250ff.

⁶ Sidney Smith, *First Campaign of Sennacherib*; Olmstead, *AJSL*. XXXVIII, 73ff.; *History of Assyria*, 284ff.

Shortly after, Sennacherib placed a certain Bel-ibni in charge of Babylon and he seems to have been a member of the same family. At any rate, after a time he combined with Merodach Baladan and was deposed, but an Assyrian raid across the Persian Gulf to capture Merodach Baladan was a failure, though shortly after he ended his long and exciting life. Another Chaldaean, Mushezib Marduk, was king in Babylon toward the end of Sennacherib's reign, and we find a son of Merodach Baladan, Samuna, fighting the Assyrians at the battle of Halulina (691). A second son, Nabu-zer-kitti-lishir, was made king of the Sealands just before the death of Sennacherib but he revolted against Esarhaddon and his place was taken by his brother Naid Marduk.⁷

The letters from the reign of Ashur-bani-apal bring us one step nearer the period of Chaldaean rule, with a certain Nabukudurri-usur or Nebuchadnezzar whose abode was in Borsippa and who writes several letters to the Assyrian monarch. It was his son Bel-ibni who was viceroy in south Babylonia and in spite of every effort of his more and more nominal master, he laid the foundations of Chaldaean power.⁸

Next we find a certain Nabu-apal-usur beginning his career as administrator of the Sealands,⁹ and it is extremely probable that he was the son of Bel-ibni and had succeeded his father in this office. No sooner was Ashur-bani-apal dead in 626 than he seized Babylon and ordered his subjects to date their business documents by his name. Through this appearance of his name in these documents, we can trace his gradual extension of authority over all Babylonia. From a newly discovered fragment of a chronicle, we know at last some of the facts concerning the fall of Assyria. In May of 616, Nabopolassar began the attack by an invasion of Mesopotamia, where the men of Suhi and Hindanu paid tribute without fighting. On the 12th of August,

⁷ For detailed account, see Olmstead, *AJSL*. XXXVIII. 74ff.; *History of Assyria*, 288ff.

⁸ Figulla, *Bel-ibni*; in this brief resume, only the facts dealing directly with the royal family have been presented; for the background, cf. Olmstead, *History of Assyria*, 445ff.

⁹ Berossus Fr. 48; Euseb. *Chron* 18.

Qablinu was taken after a great battle, with many Assyrian nobles and the Mannai mercenaries. The same month, Mane, Sahiru and Balihi, on the Balih river, were secured.

Psammetichus I had laid the foundations of the vigorous twenty sixth dynasty in Egypt, and had prepared the way for a new advance into Syria by the conquest of the Philistine Ashdod after a siege of twenty nine years. He had no desire to see a weakened Assyria succeeded by a new and vigorous Babylonia. So he came to the aid of the Assyrians and Nabopolassar hastily retreated into Babylonia.

The following March, a Babylonian detachment secured Madanu in Arrapha, east of the Tigris, and drove the Assyrians back to the Lower Zab. Ashur, across the Tigris, was invested in May and assaulted in June, but the Assyrian king mustered his forces, raised the siege, and pursued the Babylonians to Takritain, the modern Tekrit, where Nabopolassar was besieged ten days in the Birtu or citadel. The siege was unsuccessful and Sin-shar-ishkun returned home.

Now the Medes entered the struggle. In November, 615, Cyaxares secured a city in Arrapha, feinted at Nineveh in August of 614, captured Tarbisu, and besieged Ashur, which was taken by assault just before the Babylonians could arrive. Amid the ruins, alliance was made between Media and Babylonia, and Nebuchadnezzar, son of Nabopolassar, was married to Amyitis, daughter of Astyages, son of Cyaxares.

In June of 613, Nabopolassar took Rahilu, an island in the Euphrates, but a siege of Anat was raised by Sin-shar-ishkun. The siege of Nineveh was begun by the allies in June of 612, the assault took place in August, and Nineveh fell. Cyaxares returned home the 20th of September, but Nabopolassar remained another month in Assyria to collect booty of Nasibina and Rasappa.

Meanwhile, a certain Ashur-uballit had set up a new Assyrian kingdom in Harran. He was attacked by Nabopolassar in 611, and three cities were taken, the last Rugguliti near Til Barsip on November 26. The next year, he accomplished nothing, and was forced to call in the Medes who arrived in November. Ashur-uballit was driven out and fled across the

Euphrates. Necho II had ascended the Egyptian throne the previous year, and in July of 609 Ashur-uballit appeared again in Mesopotamia. He crossed the Euphrates, cut off a Babylonian garrison, assaulted repeatedly Harran till September, when Nabopolassar came up in person and defeated him. Here the chronicle ends.¹⁰

From this time forward, we can speak of the Chaldaean Empire, with Nabu-apal-usur, or Nabopolassar as the Greeks called him, for the first monarch.¹¹ Media took the greater part of the spoils, but the Fertile Crescent, save the extreme north eastern corner, became Babylonia, provided that it could be reconquered, for the Assyrian decline had permitted the former provinces to renew their independence. Media and Babylonia were closely allied. In fact, when we observe the Babylonian ruler as a seeming subordinate in the army of Cyaxares which fought the famous battle of the eclipse with the Lydians,¹² when we note that in his earliest inscriptions he does not add to his kingship of Shumer and Akkad more than the shakkanakkuship of Babylon, we begin to suspect something perilously like the admission of a degree of dependence.¹³

From his own records, we learn nothing of his doings in the field of international relations. With that failure to present political history which is characteristic of the whole dynasty, his inscriptions confine themselves to relating the restoration of Esagila, the old Marduk temple of Babylon, of the temple of Urta in the same city, of his regulation of the worship of Sippar's Shamash temple, of a new shrine erected there to its Lady, of the bringing back of the errant Euphrates to Sippar.¹⁴

Necho II advanced again in 608, accompanied by an army which contained not merely native Egyptians but mercenaries,

¹⁰ C. J. Gadd, *The Fall of Nineveh*, 1923; Cf. Olmstead, *History of Assyria*, 634ff.

¹¹ Records of dynasty in Langdon, *Neubabylonische Königsinschriften*.

¹² Herod. i. 74.

¹³ Esagila ins., Langdon, no. 1; in Sippar ins., Langdon, no. 2, the term "king of Babylon" is used.

¹⁴ During our visit in 1908, the Euphrates had again abandoned its old line and not a drop of water was flowing past Babylon; it was later driven back to its old channel.

Ethiopians, Libyans, and above all Greeks. At Megiddo, he found his path blocked by the troops of Josiah of Judah, who had thrown off the Assyrian yoke in 621 and had marked his rebellion by the rejection of the worship of the Assyrian king-god and of his companion deities.¹⁵ Determined that his new won liberty should not be lost and confident that Yahweh would aid the faithful worshipper who had restored the Law of Moses, he dared to meet the host from the Nile valley, but the mail clad Greeks were too much for him, and he was defeated and killed.¹⁶

In his place, the "people of the land" took Shallum, the second son of their king, and a youth of twenty-three, and put him upon the throne. Having secured the submission of the Phoenician states, Necho advanced toward the Euphrates, but at Riblah he learned of the accession of Jehoahaz. After a reign of but three months, the unfortunate young man was brought to Riblah for judgment and later was sent back to captivity in Egypt. Jeremiah bade his followers to cease their weeping for the dead Josiah and to weep now for the departing king for he should never again return.¹⁷

The eldest son of Josiah, Eliakim, two years older than his brother, was permitted to ascend the throne denied him by the popular party, but only at a cost of a hundred talents of silver and one of gold to be paid his Egyptian master. Some whim of Necho changed his name to Jehoiaikim, though the reason for this change in the divine element escapes us.¹⁸

Since by this time, Nineveh had fallen, Nabopolassar could consider himself the legitimate successor of the Assyrians in the west. He had not forgotten that an earlier Necho had been glad to escape captivity by returning to Egypt as a humble

¹⁵ Olmstead, *Amer. Historical Review*, XX. 566ff.

¹⁶ II Kings, 23:29; the additional material in II Chron. 35:20ff. comes from the same original sources as that for the passage in Kings. It is therefore to be accepted as fully reliable. Note, however, that the phrase "who is with me to destroy thee" and the story of the disguise is not original as it is not found in the true "Septuagint" of Chronicles, the fragment we call I Esdras.

¹⁷ II Kings 23:30ff.; II Chron. 36:1ff.; Jer. 22:10ff.

¹⁸ II Kings 23:33ff.; II Chron. 36:3ff.

vassal of Ashur-bani-apal,¹⁹ and he naturally took the position that the second Necho was but the revolted governor of Egypt, Syria, and Phoenicia. Himself already ill of the sickness which was soon to cause his death, he dispatched his eldest son Nebuchadnezzar, now in the first bloom of youth.²⁰ At the Carchemish crossing of the Euphrates, where now the bridge of the Baghdad Railroad testifies to thwarted German ambition, the decisive battle was fought. Our only description is the colorful picture of Jeremiah²¹ but recent excavations on the site of the ruined city tell more of the story. In what was left of his house, was found the body of a man who was perhaps at this time the chief official of the city. Near by was his ring, whose bezel bore the cartouche of the first Psammetichus; it must have been a gift from the Egyptian king to his friend of Carchemish. Direct connections with Necho are proved by his seal impressions on clay and figures of the chief Egyptian deities and examples of Egyptian art still further prove Egyptian influence. Fragments of a shield of Ionian design and of orientalizing tendencies presumably mark the passing of one of the Greek mercenaries in Necho's army. The terrible punishment meted out to the revolted city is indicated by the destruction through fire shown in the carbonized timbers and the reddened brickwork, the violent struggle which preceded by a sword and javelin heads, by hundreds of bronze and iron arrow heads, their points often broken or bent as they crashed against the walls.²²

Necho's army ceased to exist and all Syria fell to the Chaldeans. Tyre, Sidon, and the Philistines were taken, even as Jeremiah had prophesied,²³ but his prophecy of similar woes

¹⁹ Streck, *Assurbanipal*, 162ff.; cf. Olmstead, *History of Assyria*, 416; in view of this example of Assyrian mercy on the south west frontier, we are compelled to accept the historicity of the similar treatment of Manasseh seven years before, II Chron. 33:11ff. Manasseh's revolt fits exactly with the history of the south west frontier in the later years of Esarhaddon's reign, and only a blind acceptance of the dictum that the Chronicler can never by any possibility be right could blind the eyes of scholars to the needs of the historical situation.

²⁰ Berossus, Fr. 49, in Jos. *Apion*, i.19; *Ant.* X. 11.

²¹ Jer. 46:3ff.

²² C. L. Woolley, *Carchemish*, 123ff.

²³ Jer. 47:2ff.; the part of the title "before Pharaoh smote Gaza" which

to Egypt²⁴ was not destined to immediate fulfilment. For just as Nebuchadnezzar was about to cross the desert from the "Dry River Bed of Egypt" which marks the last stopping place before the waste must be entered,²⁵ he received news of his father's death which had taken place in May or June of 604.²⁶ Nebuchadnezzar had already been recognized by his father as "my eldest son, the beloved of my heart," but his brother Nabu-shumlishir, "My body, the offspring of my heart," was given the title of "his equal brother" which could only mean that Nabopolassar had in mind such a joint rule as that so unhappily granted by Esarhaddon to Ashur-bani-apal and Shamash-shumukin.²⁷ Handing over his troops with the Syrian, Phoenician, and Jewish captives to his "Friends," he hurried across the corner of the now blazing desert to Babylon, first to utilize, so far as we know, the route by Palmyra. His fears were groundless, for the candidate of the priests had won no affection among the members of the military party and his rights had been recognized.²⁸

Arrived in Babylon, his first care was the burial of his father. In his twenty one years of reign (625-604), Nabopolassar had enjoyed little opportunity to build but he had at least erected a small palace upon the Babil place in Babylon.²⁹ In a corner of this palace, Nebuchadnezzar laid him away in a huge pottery coffin robed in gorgeous dresses adorned with gold beads and large numbers of ornamented gold plates. The passage was then blocked by the new outer wall of the city and to make his resting place still more surely inviolate, this portion of the

connects it with Egypt is not in the Greek and cannot be original, for the "waters rising up out of the North" are sufficient to prove that Egypt is not intended.

²⁴ Jer. 46:14ff.

²⁵ II Kings 24:7; the modern Wadi el'Arish.

²⁶ Last date of Nabopolassar 21/2/0, Strassmaier, *ZA*.IV. 145; first of Nebuchadnezzar, 0/4/14, Johns, *PSBA*. XXXVIII. 148.

²⁷ Esagila ins. (Langdon no. 1), III. 6ff.; the term *talimu* is also used to indicate the relation between Ashur and Marduk.

²⁸ Berossus, *l. c.*

²⁹ East India House ins. (Langdon no. 15), VII. 36ff.

palace was henceforth to be the women's quarter. The empire was to be his monument.³⁰

No potentate of the early Orient has made a deeper impression on the modern mind than Nebuchadnezzar. Our best known picture, to be sure, that in the book of Daniel, cannot be considered strictly historical, but with all allowance Nebuchadnezzar stands out as the warrior who answered the prayer voiced by his father in his name Nabu-kudurri-usur, "Nabu, do thou protect the frontier."

Along more than half his border stretched the Median empire, and if its contemporary monarch, Astyages, was no great soldier, the two powers were too evenly matched to make profitable a trial by battle. Only the southwest frontier needed attention, but this alone was sufficient to demand all the resources of the kingdom.

So hasty had been the return of the new ruler that Jehoia-kim continued to rule in Jerusalem. It was perfectly natural that he should not forget the friend who had given him the throne and that he should hope for the arrival of Necho before Nebuchadnezzar could confirm his position at home. One man at least saw the true state of affairs and continually issued warnings against the pro-Egyptian policy.³¹

Jehoiakim might not have been so strongly pro-Egyptian had more authentic news come out of Egypt. In his first fear of invasion, Necho had begun digging a great trench through the isthmus of Suez. The later official version gave as the only reason his desire to move his fleet from sea to sea; we who in our own day have seen its successor check the Turko-German invasion will not need to be told that a like purpose was intended. When the danger of an immediate attack seemed to have passed, Necho took up again the policy of restoring a bridge head in Syria. A newly formed fleet was to control the sea and thus keep at least the coast cities free from Babylonian control.³²

As the Babylonian army continued to the south, Jeremiah

³⁰ Koldewey, *Babylon*, 113ff.

³¹ Jer. 26; 22:13-19.

³² Herod. ii. 158f.

prophecied: "Go up to Lebanon and shout: 'O inhabitant of Lebanon, that maketh thy nest in the cedars, how greatly pitied shalt thou be when pangs come upon thee!'"³³ Nebuchadnezzar did go to "the Lebanon, the cedar mountain, the exalted forest of Marduk, whose scent is pleasant". A stranger and an enemy had possessed it, had carried off its product, so that its inhabitants had fled far away. In the strength of Nabu and Marduk, Nebuchadnezzar collected his forces, defeated its enemy above and below, rejoiced the heart of the land. Its scattered inhabitants he collected, he restored them to their place. What no former king had done, he split the high mountains, stones of the mountain he broke, he opened passage ways, a path for the cedars he prepared.

To this day, the trail still runs up the Wadi Brissa to the west. Half way up, at a bend and a narrowing, whence, too, a glimpse of the plain might be caught, he found a tiny settlement. Above were the great cedars, tall and stately, wondrous in their beauty and impressive in their dark splendor. They were removed with no more difficulty than if they had been reeds and were brought overland to the Arahtu canal and to Marduk's home in Babylon.

The men in the midst of Mount Lebanon were made to dwell in peace, no enemy might go up against them. That there might be no misfortune, there was made an eternal image of his royalty.

Today, the cedars are all gone and only a few scrub oak survive. An hour from the entrance, one sees a group of ruins, Christian to judge from the crosses, with one set of door posts standing. Above is a spring under the scrub oak. On either side of the valley is a smoothed face of rock. On one Nebuchadnezzar appears warding off a springing lion, on the other he stands before a cedar; the first is inscribed in archaic characters, the other is in the current form. A few words near the end spoke of his cedar timbering and hinted warfare, but by far the greater part was devoted to the recital of his building operations in far away Babylonia, though one might well ask how this could

³³ Jer. 22:20-23.

interest the citizens of this nook in the Lebanon, granted even that they were able to interpret the complicated cuneiform.³⁴

The Chaldaeans continued south until the pass was reached which led to the Dog River valley. At the point where it debouched by the sea shore, Nebuchadnezzar found the records of his predecessors, three Egyptian and four Assyrian, who had already seized the choice positions along the route which climbed the cliff to the south of the stream. On the north bank was a low rock which had not been preempted, and on this he caused to be engraved his own inscription, a duplicate of the ones already carved in the cedar mountains.³⁵

At the approach of Nebuchadnezzar, Jehoiakim made a formal acknowledgment of Babylonian suzerainty (600). Three years he endured the yoke and then rebelled.³⁶ There were always enemies in plenty round about Judah and soon attacks were being made by raiding parties of Edomites, Moabites, and Ammonites, who were driving settlers and nomads alike into safety behind the walls of Jerusalem.³⁷ Among the latter were the Rechabites, most zealous for the nomad purity of Yahweh's religion.³⁸

After the burning of the roll dictated to Baruch, Jeremiah predicted the casting out of Jehoiakim's dead body,³⁹ but such was not to be his fate, at least in the immediate future, for the king died in peace and was buried in the garden of Uzza,⁴⁰ where Manasseh and Amon had been buried before him. He

³⁴ Wadi Brissa ins. (Langdon, no. 19), IX. 3ff. We visited Wadi Brissa July 21-23, 1904, and made a complete set of squeezes, now deposited in the Library of Cornell University.

³⁵ Cf. Langdon, *Königsinschriften*, 35f. We visited this inscription several times in 1904 and secured the squeezes now in Cornell University.

³⁶ II Kings 24:1.

³⁷ II Kings 24:2; Jer. 35:11; here belong the prophecies Jer. 48f.

³⁸ Jer. 35. Some time between the date of the earlier Greek translation of this part of Jeremiah, about 100 B. C., and that of Aquila, some annotator added the statement that the Rechabites "unto this day obey the orders of their father." That he was correct is shown by the appearance of the Rechabites in the first Christian century, Hegesippus, as quoted by Eusebius, *Hist. Eccle.* ii. 23, 17.

³⁹ Jer. 36; cf. 22: 13f.

⁴⁰ So the Ethiopic on Kings and G² on Chron.

was succeeded by his son Jeconiah, now to be known as Jehoiachin, a child of eight,⁴¹ and completely under the influence of his mother Nehushta. No more favorable was Jeremiah to this "regiment of women".⁴² This prophecy was destined to more immediate fulfilment. But three months after his accession, Nebuchadnezzar arrived in person and the boy, accompanied by his mother and all the officials, went out in surrender, hoping for grace. They were not put to death but were carried off with all the warriors, officials, artisans, and the temple treasures.⁴³

Mattaniah, the uncle of the former king,⁴⁴ was given the vacant throne, and his name was changed to Zedekiah, but the inhabitants of his kingdom were to be only the poorest of the "people of the land." Shortly after, messengers were sent him from Edom, Moab, Ammon, Tyre, and Sidon, seeking alliance, but Jeremiah sent them bonds and bars for the neck.⁴⁵ Revolt was decided upon and the official prophets even began to declare that Jeconiah would return with the temple utensils. Jeremiah again objected,⁴⁶ and perhaps Zedekiah in his heart felt his sympathies and his best interests were in this case rather with Jeremiah than with the too zealous patriots. Sure enough, the Egyptians did enter Palestine and the Babylonians were forced to withdraw to meet them. There was much rejoicing but Jeremiah alone was pessimistic; he could promise them only liberty for the sword, the pestilence, and famine, for Zedekiah and his princes were to be handed over to the enemy.⁴⁷ Zedekiah himself was only half hearted in his oppo-

⁴¹ So II Chron. 36:9; had he been eighteen, as Kings, he would not have been so ruled by his mother. In II Kings 24:12, is the impossible "eighth year of his reign" an error for "eighth year of his age?"

⁴² Jer. 13:18f.; 22:24-29.

⁴³ II Kings 24:8-12. The numbers are round; the 3023 of Jer. 52:28 is not in the Greek, even in Theodotion, in the Old Latin Corb. 2, or in the Oxford Ms. of the Arabic.

⁴⁴ Zedekiah is "father's brother" in II Kings 24:17, his son in the Greek, his brother II Chron. 36:10, though the last is missing in I Esdras, and so not original.

⁴⁵ Jer. 27: 2-11.

⁴⁶ Jer. 28.

⁴⁷ Jer. 34.

sition to the Babylonians, but, like many a wiser ruler in Palestine, his hands were forced by the pro-Egyptian nobles who would otherwise have attempted his deposition.⁴⁸

Food failed in the doomed city and it was finally breached. Hoping to reach his allies east of the Jordan, Zedekiah fled, but was overtaken at Jericho, and carried off to Riblah where Nebuchadnezzar was still encamped. His sons were slain before his eyes, he himself was blinded, and carried away to Babylon. A month later, Nabu-zer-iddina, the captain of the guard and a King's Companion,⁴⁹ returned to Jerusalem, burned the houses, the palace, and the temple, and broke down the walls. Only the poorest were left.⁵⁰

Carried off to Egypt by the frightened survivors, after the murder of Gedaliah, Jeremiah still predicted the arrival of Nebuchadnezzar in Egypt, when the Pharaoh Hophra (Apries) should be given into the hands of his enemies.⁵¹ Ezekiel too believed in the future of his master and predicted in detail the destruction of Tyre at his hands.⁵² The year before the fall of Jerusalem, 587, the siege was begun. Ethbaal III resisted no less than thirteen years.⁵³ Details we have none but we may suspect that the Chaldaeans, like their predecessors the Assyrians, were anything but good seamen while Tyre was safe on its island with its double defence of the sea and of its large and efficient navy supported by that of Egypt. At last, there was compromise. Tyre admitted a nominal Babylonian suzerainty, for a business document is dated in the fortieth year of Nebuchadnezzar.⁵⁴ Ethbaal (589-574) was succeeded by Baal II (574-564). Once on the Babylonian side, Tyre loyally kept the faith, because it paid. But Phoenicia paid likewise. The Egyptian fleet was

⁴⁸ Jer. 38.

⁴⁹ *Manzaz pani* in Assyrian.

⁵⁰ II Kings, 25; Jer. 52; the parallel account in Jer. 39 is almost entirely missing in the Greek. For textual matters, cf. Olmstead, *AJSL*. XXX. 5ff.

⁵¹ Jer. 43: 8-13; 44:30. How much of 44 in reality belongs to Jeremiah is not clear; the greater part is certainly late, yet other parts seem to be in his style.

⁵² Ezek. 26-28.

⁵³ Menander in *Jos. Ant.* x. 11; *Apion* i.2.

⁵⁴ Sayce, *Records of the Past*, IV. 99f.; *Expository Times*, X. 430.

under Greek control and the best in the world. It fought a battle with Tyre, lately its ally, in 570, Sidon was taken by storm, Byblus possessed a garrison which began the erection of a temple to the local goddess they had long since identified with their own Hathor.⁵⁵

A defeat in Libya and a revolt supplanted Apries by Amasis in the next year, 569, and Nebuchadnezzar decided that the time had come. Ezekiel in his Babylonian home saw the preparations and declared that Nebuchadnezzar should have Egypt as wages since he had endured hard service at Tyre and had nevertheless secured no wages.⁵⁶ We do not know to what extent these hopes were fulfilled.

If Nebuchadnezzar prepared his annals, but a tiny fragment has come to light. In his thirty sixth year (568), Nebuchadnezzar warred against certain kings, one of whom had a general named.....pu, who led his servants on the road. In the next (567), the troops of Egypt advanced to make battle, Amasis of Egypt collected his troops and (Pit)aku of the city of Butu Iaman, Butu of the Ionians, with men from the other far distant regions in the midst of the sea, united with numerous troops in the land of Egypt. Weapons, horses, and chariots did he summon to his aid, but Nebuchadnezzar completed their overthrow.⁵⁷

The mercenaries who came from far away regions in the midst of the sea are certainly Greeks, who, as we know from their own records, served as such in the Egyptian armies. The name of the ruler of the Ionian Butu is plausibly restored as Pitaku, who can be none else but Pittacus of Lesbos. We can now understand why, when Pittacus destroyed the oli-

⁵⁵ Herod. ii. 161; Diod i. 68; Renan, *Mission de Phénicie*, 26ff.; 179; Menander, in Jos. ap. I. Apion, i. 21.

⁵⁶ Ezek. 29-32. 29:13-16, 21;30:9, however, bear the earmarks of later date. Already in 1905, *AJSL*. XXI. 181, I had noted that certain parts of Ezekiel are very late. What was then extreme heresy is now being urged by scholars of first class reputation. The last chapters are certainly later than the time of Ezekiel, fairly long passages throughout the book are missing from the Greek, and there are numerous verses or even paragraphs whose phraseology proves conclusively that they must go with the late post exilic additions to the other prophetic books.

⁵⁷ Langdon, no. 48.

garchical rule in Lesbos and Sappho and Alcaeus went into exile, the brother of Alcaeus, Antimenidas, quite naturally took service as a mercenary with the bitterest enemy of the tyrant, Nebuchadnezzar of Babylon.⁵⁸

If Nebuchadnezzar has left us few traces of his political activities, it is the reverse with his building activities. Some half a hundred different editions, often in several exemplars, describe repeatedly the details of their construction and sing the praises of the gods and goddesses for whom they were erected. Babylon now lies unbared before us and one may walk in the flesh the structures which once felt the tread of the great Chaldaean. The total impression of vast wealth, derived from successful wars or the tribute presented by the vassal states, is essential to the understanding of the reign; details are out of place in this study.⁵⁹

But the great Nebuchadnezzar left no worthy successor. His son was Amel Marduk, better known under the Hebrew form of Evil Merodach (562-560).⁶⁰ The policy of his father was abandoned and he gave himself over wholly to the priestly party. The first event of his reign was the freeing of the Judean king Jehoiachin after thirty seven years of captivity.⁶¹ Such action was felt to be more than a mere restitution of rights to a petty ruler of a frontier state, it was a direct break with his father's political policy. At his court was a certain Nergal-shar-usur, son of Bel-shum-ishkun, who had been rab mag of

⁵⁸ Strabo xiii. 2, 3. This reconstruction of Greco-Babylonian relations, entirely ignored by all later historians, of Greece and the Orient alike, is one of the most brilliant of the many brilliant reconstructions of Hugo Winckler, *Altorientalische Forschungen*, I. 511ff.

⁵⁹ Popular account, Koldewey, *Babylon*; scientific results partially given in various of the *Wissenschaftliche Veröffentlichungen der Deutschen Oriental-Gesellschaft*, I, II, IV, XV, XXXII. An attempt to present a general picture, based on this material and enlivened through the four days visit to Babylon as guest of Dr. Koldewey, Olmstead, *A Visit to Babylon*, *History Teacher's Magazine*, VIII. 79 ff.

⁶⁰ Last date of Nebuchadnezzar 43/5/9; first of Amel Marduk 0/6/26, Johns, *PSBA*. XXXVIII. 148; bricks, Koldewey, *Babylon*, 78f.; 159.

⁶¹ II Kings 25:27ff.

Nebuchadnezzar at the siege of Jerusalem.⁶² As brother-in-law of the young king, he was allied with the royal family; he was therefore chosen as the nominee of the anti-hierarchical faction and deposed Amel Marduk. The last male descendant of the great Chaldaean family went down in history as one who had ruled lawlessly and licentiously.⁶³

Four years the anti-hierarchical party controlled Babylon through the aged Nergal-shar-usur (560-556), yet no one would suspect it from the inscription he has left behind with their declaration that he had been called by Marduk, his words of praise or prayer to Marduk and Nabu, his restoration of Esagila and Ezida. He claims that he ruled in peace and extended the land, but no conquests are known.

After these four years, the accession of his youthful son Labashi Marduk gave temporary control to the party of the priests. He reigned for but nine months when the King's Friends⁶⁴ formed a conspiracy and put him to death with torture and declared that he had been dethroned because of his evil character.⁶⁵ The conspirators then chose as king one of their own number, a certain Nabu-naid. His father, Nabu-balatsu-iqbi, has left us a record of his life. He seems to have been established by Ashur-bani-apal as chief priest of Sin in his temple of Ehulhul in Harran and to have held this position through all changes of dynasty, until now, at the extreme age of ninety eight, with eye still clear, feet and hands still strong, teeth sound, understanding good, and able to eat and drink what he wished, he saw his son, the offspring of his heart, on the throne.⁶⁶

In his own inscription, with its prelude telling of the oppression of Babylonia since the days of Sennacherib and its revenge

⁶² Jer. 39:3; earlier references, Strassmaier, *Texte Nbk.* 83; 266; cf. *KB.* IV. 186f.

⁶³ Berossus, Fr. 54, in Jos. *Apion*, i.20; latest date of Amel Marduk, 2/5/17; earliest of Nergal-shar-usur 0/6/12. Inscriptions, Langdon, *Königsin-schriften*, 208ff.; Koldewey, *Babylon*, 68, 79, 125, 166, 191, 211ff.

⁶⁴ τῶν φιλῶν is obviously a translation of *manzaz pani*.

⁶⁵ Berossus *l. c.*

⁶⁶ Langdon, no. 9. Dhorme, *Rev. Biblique*, 1908, 130ff., connects this mutilated inscription rather with Nabu-naid's mother.

on the falling Assyria through the aid of the Umman Manda or Medes, Nabu-naid gives us his account of his accession. When the time was full and Nergal-shar-usur, for whom he has only praise, had taken the path of fate, his son Labashi Marduk, a youth without sense, placed himself on the royal throne in defiance of the will of the gods. He was such a man as Amel Marduk, Nebuchadnezzar's unworthy son. A dream of Nabu-naid was circulated according to which no less a personage than the great Nebuchadnezzar himself had been the intermediary between the gods and Nabu-naid to call him to the throne. So the conspirators conducted him into the palace, threw themselves at his feet, kissed them, shouted "Father of the land, who hath no equal."⁶⁷

So far as we know, he had no relationship to the other rulers, or he would certainly have told us so. His father and he himself in their names worshipped Nabu, and it seems clear that he was a Babylonian and not a Chaldaean; that there could be such a union of Babylonian and Chaldaean nationalists as over against the priestly class was a significant indication of the racial amalgamation that was taking place. He definitely declares himself the political successor of Nebuchadnezzar and Nergal-shar-usur and pronounces condemnation on those who took the other side.

At his accession, the empire was still his almost without loss. Its extreme limits were Gaza on the borders of Egypt and the Mediterranean on the west, on the east it extended to the Persian Gulf.⁶⁸ Impressive as was this stretch of territory, it was a dangerously thin line, thinner even than the usually narrow semicircle of the Fertile Crescent. The greater part of Mesopotamia was under the rule of the Medes and Median rule was no longer synonymous with friendship. Already in his first year, Nabu-naid was looking with longing eyes on Harran whose control meant control of north west Mesopotamia. The Umman Manda, such is the uncomplimentary name he gives the Medes, had destroyed the chief shrine of Harran, that Ehulhul, "House of

⁶⁷ Langdon, no. 8.

⁶⁸ Abu Habba ins. (Langdon 1), I. 39ff.

Gladness," where the moon god Sin had been worshipped since grey antiquity and where his father had once served as priest.

He had seen a vision at the very commencement of his reign; Marduk and Sin appeared and Marduk ordered him to prepare bricks to rebuild Ehulhul and to return Sin to his home. Fearfully Nabu-naid urged that the Umman Manda surrounded it and mighty was their strength, but he was reassured; the Umman Manda with his land and the kings who marched at his side were no more. Three years later this was brought to pass when the "youthful slave" of Astyages, Cyrus, king of Anzan, destroyed the wide extending Umman Manda and brought their king Astyages captive to his land.

Astonished and not a little alarmed at this manifestation of the gods' power, Nabu-naid collected all his subject kings, princes, and governors, and laid the foundation stone on that of Ashurbani-apal. In joy, the gods journeyed to Harran.⁶⁹

Such is the story as told us by Nabu-naid himself. It is simply the expression in religious terms of the taking over of Mesopotamia, for control of the chief sanctuary meant political control as well. That this assumption of control was not quite so easily secured as the official record might lead us to assume is shown by the Nabu-naid-Cyrus Chronicle, where, under this same third year, we hear of a warlike expedition, in which the chiefs and the troops of his opponent were carried away by the king, the spoil of their country brought to Babylon, a part of the troops destroyed, the remainder of their families left alive. Then follows a fresh mustering of the troops and the reduction to the yoke of a leader with the good Iranian name of Bagme. And the capture of Astyages had been anticipated in date.⁷⁰

Important as was this success and much as it contributed to making the northern frontier safer, it was in the end a source of future peril. As the successor of Astyages, Cyrus naturally took over his territorial claims and armed conflict with the new power was inevitable.

As an actual fact, disturbances broke out at once on the western frontier. Already in January of his fourth year, Hamath

⁶⁹ Abu Habba ins.

⁷⁰ Chron. I. 1ff.

must be reduced to submission. In Tyre, the aristocrats had overthrown Baal and ruled through "judges" (564-557) but the people restored the kingship with Baalator in 557. The next year, they brought Mahar Baal (556-552) from Babylon. Was he implicated in the revolt of Hamath. This very year, 552, Hiram III (552-532) was brought from Babylon. In August of the fifth Babylonians were ravaging the vineyards on the Amanus mountains and bringing their produce to Babylon, these masses of cedar which decorated so many Babylonian temples. Yet they left the prince alive. In December, it was necessary for Nabu-aid to muster his forces once more and to march to the sea of Amurru where a certain Nabu-eriba-ahe had thrown up a fortified camp and had collected his many warriors. The great gate of the city of Shundini was breached and all its fighting men destroyed.⁷¹ And then, in his sixth year, his father died, a hundred and four years old, and was buried at Harran.⁷²

Thus far, we have the figure of a vigorous, warlike personality who is found always at the head of his troops. Two years later, the situation is entirely different. Nabu-aid is in Tema, a suburb near the Shamash Gate. He is so under duress that he is not permitted to go out, even on the New Year's Day to "seize the hands of Bel" and so continue the legitimacy of his rule. Nabu, we are informed, came not in procession from Borsippa to greet his father, Bel came not out to meet him, the New Year's Feast was not celebrated. Power in Akkad was in the hands of the crown-prince, Bel-shar-usur or Belshazzar, the nobles, and the army. In other words, the military, anti-hierarchical party was in full control. The regular sacrifices were indeed offered up in Esagila and Ezida for the gods of Babylon and Borsippa, that the land might prosper; it was not the king but the *urigallu* priest who poured out the libations and kept guard over the sacred house.⁷³

Nabu-aid had come to the throne as the declared representative of Nebuchadnezzar's policy and as an opponent of the priests. We have no reason to assume that he went over to

⁷¹ Chron. I. 10ff.

⁷² Langdon, no. 9.

⁷³ Chron. II. 5ff.

his former opponents. He had shown himself an excellent general who marched forth with his soldiers in person and he had made important additions to Babylonian territory. Yet now he was a virtual prisoner, the purely military party was in complete control, not only were the priests ignored, Babylonian patriots were deprived of their annual New Year's Day show and Babylon might no longer feel that it was the age long capital of the empire. The only possible explanation seems to be that the extreme Chaldaean party had broken the compromise with the other anti-hierarchical groups and had assumed full control itself.

Belshazzar was not an unknown figure in Babylonia. In the first year of his father's reign, we find him receiving a sheep from the royal food supply, and thenceafter he appears frequently in the business records.⁷⁴ At the beginning of the fifth year he was given the title of "King's Son," that is, he was recognized as crown prince. In the seventh year, we have a most significant document, The seer Shum-ukin reports that he saw in his dream the great star, Dilbat, Kaksidi, the moon, and the sun, and "for the favor of Nabu-naid, king of Babylon, and for the favor of Belshazzar, the crown prince, may my ear attend to them".⁷⁵ Oaths are sworn by the gods, Nabu-naid, and Belshazzar, the king's son⁷⁶. While Nabu-naid was shut up in a suburb, Belshazzar was in the "City of the King's House".⁷⁷

Shut off in this fashion from any part of the government, Nabu-naid might now indulge to the full that love of archaeological investigation of which he had already shown indications, and which had perhaps led to the suspicion that he was inclining to the priestly faction. If there was such a feeling, it had no assured basis, for while Nabu-naid regularly uses the standing epithet "who adorns Esagila and Ezida," the temples of Marduk and of Nabu actually owed little to him. It was Sin and Shamash, the moon and sun gods, who were by far his favorites. At the same time that he restored the temple of Sin at Harran, he re-

⁷⁴ Full collection of these references, Pinches, *PSBA*. XXXVIII. 28ff.

⁷⁵ Clay. *Misc. Ins.*, no. 39.

⁷⁶ Pinches, *PSBA*. XXXVIII. 28.

⁷⁷ *Ibid.* 31.

newed Ebarra, the shrine of Shamash in Sippar. Another Ebarra, that in the south Babylonian city of Larsa, was covered with drifting sand; Belshazzar permitted his father to take the trip south in person and the archaeological excursion was crowned by the discovery of the foundation stone of Hammurabi. Sippar and Ur also rejoiced at his aid and more foundations were found to amuse the helpless monarch.

There was no change in the attitude of relative coldness toward Babylon and Borsippa, their temples Esagila and Ezida, their gods Marduk and Nabu. It was under the rule of Belshazzar that the collection of inscriptions was made in each section of which Nabu-naid begged fulness of life and length of days for Belshazzar, his first born, the offspring of his body, that he sin not, and the high position of Sin and after him of Shamash and of Ishtar was emphasized. It is also under the rule of Belshazzar that we find: "O Sin, Lord of the gods, king of the gods of heaven and earth, god of gods, that dwelleth in the great heavens, when thou enterest in joy that house, may the good done to Esagila, Ezida, and Egishshirgal, the temples of thy great god head (!), be on thy lips, and the fear of thy great god head implant in the hearts of its people, let not them sin against thy great god head." When Marduk was deprived of his supreme position as king of the gods, when he and Nabu were even deprived of their own temples, Esagila and Ezida, it was clear that Babylon and Marduk had little cause for satisfaction.

Not that Babylon was entirely neglected. He erected a great fortification wall, the palace courts were paved with bricks, and on them he insists that he is the beloved of Nabu and Marduk, the adorer or the renewer of Esagila. Still other bricks by their writing of his name in Aramaic testify to the growing influence of that language. But it more than noticeable that the only remains of a religious character preserved in Babylon are to be found in the temple of the Ishtar of Agade which was located in the residential section over against Esagila. Additional evidence of his attitude is seen in the many inscriptions found in Babylon but which refer to structures erected outside.⁷⁸

⁷⁸ Koldewey, *Babylon*, 200f.; 313; 68; 91; 79; 300; 166f.

While Nabu-naid was perforce devoting his attention to temple restoration and Belshazzar was strengthening his power and that of the extreme Chaldaean party, the storm was gathering. In 550, Astyages marched out against his rebel vassal Cyrus but was betrayed to his enemy. Ecbatana, the capital, was taken and plundered.⁷⁹ When Cyrus comes upon the scene next he is no longer called king of Anzan or Anshan, but king of Parsu or Persia.

Babylonia was the natural next objective, but, thanks especially to the vast projects of Nebuchadnezzar, the whole region around the capital was a huge fortified camp. However brave the Persians might be, their bravery could avail little when directed against the mighty fortifications. It was equally impossible to starve it out, for within the outer lines were fields fertile enough to keep up the well being of the whole citizen population. Cyrus determined on a policy of encirclement, meanwhile hoping that the disaffected elements within Babylonia itself might furnish some aid.

He therefore determined to come to conclusions first with Lydia, where ruled Croesus. Later Greek proverb made him the very type of a rich, luxurious, inefficient king, but the Greeks did him injustice; he had reduced all Asia Minor to the Halys and further advance in this direction had stopped only because he had reached the boundaries of his ally, the king of Media. He had by no means reached the natural limits of Lydian expansion, and the fall of the Median power seemed to offer new opportunities. By the crossing of the Halys, he virtually declared to Cyrus that a state of war existed. The district of Pteria was soon after reached, its chief city, the strongest fortress in the region, was taken and plundered, the same fate was suffered by the other cities of the neighborhood.⁸⁰

Persian attack was now a certainty. Croesus was already allied with Nabu-naid and it was his messenger, perhaps, who aroused that monarch and changed Babylonian complacency at the fall of Media to a very lively solicitude which resulted in calling out the reserves and in forming a camp on the Euphrates

⁷⁹ Chron. II. 1ff.

⁸⁰ Herod. i. 75; 103.

near Sippar in March of 547. Here a great blow was suffered by the Babylonians, the death of the king's mother who seems to have been a chief factor in securing for her grandson Belshazzar the actual rule of Babylonia. Belshazzar, in charge of the camp, mourned bitterly for three days, a mourning in which all the troops took part, but Nabu-naid still remained shut up in Tema.

Cyrus, however, had no present intention of attacking Babylon. In the same month he too collected his army and marched forth from Ecbatana. The Tigris below Arbela was crossed in May. The very phraseology used in describing the crossing tells its tale. He must have made the crossing somewhere between Ashur and Nineveh, yet there is no reference to what had been so short a time before the capitals of the mightiest empire of the world. The shrine of Ishtar at the old sacred city of Arbela had already secured for it the succession to the position of the chief city of the region, a position as clearly proved by the inscription of Darius as by the various references in the classical writers.⁸¹

Herodotus gives us a detailed account of the fall of Sardis.⁸² The Babylonian contemporary informs us that Cyrus killed Croesus and took his possessions. So too the earliest Greek narrative, that found in the poet Bacchylides, and illustrated by an early Greek vase which represents the Lydian monarch on his pyre and a servant about to light it, indicates that he followed the example of other oriental monarchs in a similar position and burned himself.⁸³ The lively Greek fancy could not force itself to believe that Apollo could possibly have deserted his faithful worshipper, and the officials at Delphi had very practical reasons for wishing to soften a tale which implied that Croesus had found destruction because he took too literally the word of a god. So the world was told that Apollo had carried him off to the land of the Hyperboreans.⁸⁴ Then came the idea

⁸¹ Chron. II. 13ff.; cf. Behistun ins., II.14.

⁸² Herod. i. 79ff.

⁸³ Bacchyl. iii. 23ff.; Louvre vase, Maspero, *Histoire*, III. 619.

⁸⁴ Bacchyl. l. c.

that Cyrus had saved him from the pyre at the last moment.⁸⁵ Finally, the land of the Hyper-boreans was rationalized and identified with the Barene which Ctesias found near Ecbatana.⁸⁶

For several years, Cyrus was in the east and the details are unknown. Meanwhile, preparations went steadily forward in preparation for an attack on Babylon. The year after the capture of Sardis, in June of 546, one of the generals of Cyrus, called simply the Elamite, entered Akkad and established a governor in Uruk. After this, for five years our sources are silent.⁸⁷

These five years were not wasted. All the disaffected elements in Babylonia, the priestly party in general and the Marduk priests in particular, began to look upon Cyrus as a coming savior. There were other disaffected elements whose protests have been better preserved to us.

Ezekiel had become a true Babylonian patriot. He had rejoiced with Nebuchadnezzar's successes and deplored his defeats. He had advised his followers to make their peace with their captors and to settle down and live the daily life of their neighbors. Many seem to have taken his advice. The crowning mercy was when Amel Marduk took Jehoiachin from prison and assigned him a position at court. The Jews began to dream of a possible restoration of their home land with a possible king of their own. But quickly Amel Marduk was deposed, his memory condemned, his policies reversed, his friends disgraced. We do not know what happened to Jehoiachin, but it is not impossible he was put to death and the intense patriotism of the parties which placed Nergal-shar-usur and Nabu-naid on the throne left little place for Jewish hopes. Bitter was their disillusion: "We would have healed Babylon but she will not be healed; forsake her and let us go into our own country."⁸⁸ Utter hopelessness appears in the pathetic song which tells how the exiles sat by the waters of Babylon and wept when they remembered Zion.⁸⁹

⁸⁵ Herod. i. 85.

⁸⁶ Ctes. 4; Justin i. 7.

⁸⁷ Chron. II. 19ff.

⁸⁸ Jer. 51:9.

⁸⁹ Psalm¹³⁷.

But there were Jews who were made of sterner stuff. Yahweh has consecrated the men of the mountains, the Medes, they shall utterly destroy Babylon; as Ezekiel had seen the descent of Assyria and Egypt to Sheol, so his disciple saw the approaching of Babylon to the "Land of No Return".⁹⁰ The Medes are to come from the north, against the Nar Marrati and the Puqud in south Babylonia, even as the general of Cyrus did bring south Babylonia early under his control.⁹¹ He is to be aided by the old kingdoms of Urartu or Haldia, by the Mannai and the Scythians, so prominent in the last days of Assyria.⁹² For the warriors of Babylon refuse to fight, they remain within their walls.⁹³ For there shall be violence in the land, ruler against ruler, when the defenders of Nabu-naid were once more bent on securing him his rightful place and the partizans of Belshazzar were struggling to retain their usurped power.⁹⁴ Let the Jews therefore be prepared to come forth from her.⁹⁵

A still greater than these, one of the greatest of the Jewish writers, though his name is now unknown, was likewise led to break silence. He bursts out with the startling statement that the desert and dry land shall be glad, the waste joy and bloom like the crocus, and continues in the same strain. But the most surprising thing about this transformed wilderness is to be a great miracle here in the desert. Like the great ceremonial street in Babylon, it is to have a name, not Aibur-shabu as in Babylon, but "Road of Holiness." Like its prototype, it may be used only by those who are ceremonially clean and it shall like it be straight, so that even the foolish cannot lose their way. But there shall be one great difference. As one passed along Aibur-shabu, one saw on either side the representations in colored and enamelled bricks of stalking lions, savage bulls, and

⁹⁰ Is. 13:2-5, 17-22; 14:4b-20.

⁹¹ Jer. 50:21.

⁹² Jer. 51:27.

⁹³ Jer. 51:30.

⁹⁴ Jer. 51:46.

⁹⁵ Jer. 50:2-3, 8-10, 14-16, 21-32, 35-42, 45b-46; 51:1-4, 6-9, 11-14, 27-49, 52-58. There is so much similarity between Is. 13f. and Jer. 50f. that the question may well be raised whether they do not come from the same pen.

the horrible sirrush, a composite creature with horned head and forked tongue of a viper, hairy mane, scaly body, sting in tail, its fore feet ending in lion's claws, its hind in those of an eagle. Nothing of this shall be found in the "Road of Holiness," neither lion nor ravening beast shall be found there. Yahweh's ransomed shall return and come with singing to Zion, and joy everlasting shall be on their heads; gladness and joy shall they possess, and sorrow and sighing shall flee away. Therefore let the people be comforted, for the warfare of Jerusalem is ended and already one hears a voice crying that it is time to prepare this road in the wilderness, straight and without grade.⁹⁶

Cyrus was back in Babylonia in 540. There was a battle at some river, in March Ishtar of Uruk was honored by her new masters, the "kings of the Sea Lands," inhabiting that same Nar Marrati which the Jewish prophet had testified against, were brought under control.

At last it began to be suspected that the sufferings of the people might be due to despite to the sacred person of the king, and to the gods of Babylon who for so many centuries had brought prosperity to the land. Nabu-naid came forth from his enforced retirement and Nabu made his ceremonial procession to Babylon. In the following January, the king made his solemn entrance into Eturkalama, but it was too late; in the next month came the news that the upper and lower sea had revolted, that his external possessions were gone. At the end of March came New Year's Day and this year the crown prince and his nobles made no objection to a formal celebration, with the formal procession of Bel and with the seizing of the god's hands by the king.⁹⁷

The time seemed at hand for the last desperate effort. In anticipation of just such a contingency, Nebuchadnezzar had

⁹⁶ In *AJSL*. XXXI. 196, I pointed out that when the late interpolation of the narrative portions of Isaiah, 36-39, is removed, chapter 35 is seen to be the introduction to 40ff. Detailed examination of chap. 35 shows that 87% of the words in chap. 35 are found also in passages belonging to the Second Isaiah and some of the parallels are extremely striking. That chap. 35 forms a good introduction will be seen from the resume above. If this be accepted, then the Babylonian origin of Second Isaiah must be admitted.

⁹⁷ Chron. III. 1ff.

erected a great wall of crude earth, faced by burnt brick held together with asphalt, from the highroad on the Euphrates near Babylon to Kish and thence along the line of the Arahtu canal, the whole distance from the Euphrates through Sippar to the Tigris. The city was thus surrounded by mighty waters and the access of the enemy cut off for a distance of twenty double hours.⁹⁸ Southern Babylonia was completely abandoned, and the gods of Marad, Kish, and Harsagkalama were being brought into Babylon until the month of September.

Later legend told how Cyrus in wrath at the death of certain of his sacred horses in the stream of the Gyndes near Opis, ordered it to be scattered into so many branches that it would henceforth have no strength.⁹⁹ In reality, Cyrus executed works which so much reduced the flow that he was able to break through the ring of waters which surrounded Babylon. In July, Cyrus contested a battle at Opis on the Tigris and there broke out a great revolt. Only Borsippa, Kutu, and Sippar, still within the ring, remained loyal, but on the fourteenth of that month Sippar was taken without fighting. Nabu-naid saw the futility of further resistance and fled, but two days later he was taken captive when Gubaru entered, again without fighting, that part of Babylon which lay to the west of the Euphrates.

In the chronicle, we are told that Gubaru was governor of Gutium, the ancient name of the country of Elam. But we now know that Gubaru had been a high official under Nebuchadnezzar.¹⁰⁰ Gobryas also appears in the historical novel called the *Cyropaedia*, as a man well advanced in years, who claims to be the devoted friend of the old king, slain by Cyrus, but the enemy of his son at whose hands his own son had been put to death.¹⁰¹ We may therefore conclude that Gobryas was in actual fact a rebel general of Nabu-naid, perhaps one of the men who lost power when Nabu-naid was shut up in Tema.

Belshazzar still held out in the palace across the river.

⁹⁸ Cf. e. g., East India ins. (Langdon, no. 15) VI. 22ff.; Xen. *Anab.* ii. 4, 2; Winckler, *Altorientalische Forschungen*, I. 507ff.

⁹⁹ Herod. i. 189.

¹⁰⁰ Cf. letter, Scheil, *Rev. Assyriologique*, XI. 165ff.

¹⁰¹ Xen. *Cyrop.* iv. 6, 2.

Tablets yet exist which are dated to the ninth month of the seventeenth year of Nabu-naid, though by that time we may be sure the old king no longer was alive. The position of Belshazzar, then, after the death of his father, was ample justification for the author of Daniel to call him "King of the Chaldeans."

Until the end of July, the shieldbearing troops of the land of Gutium, under the personal command of Gobryas, surrounded the gates of the Marduk temple of Esagila, where it would seem that Belshazzar had taken refuge. No weapon had been stored in Esagila or the other shrines and no standard had been brought in. At the end of October, Cyrus entered the city and the "walls fell down before him. Peace he established in the city, Cyrus spoke peace to the whole of Babylon." Gobryas won his reward and was made governor of the city, a post he retained through the whole of the reign of Cyrus and into the fourth of Cambyses, when we find the man who does not live up to his oath committing such sin against him as we should expect only in the case of the king himself.¹⁰²

Belshazzar was still in the palace, but with the new troops who had come with Cyrus, Gobryas was able successfully to attack him. Eight days after the royal entrance, in October of 538, the Crown Prince was slain. While the priests rejoiced that Cyrus was sending back to their homes the gods Nabu-naid had deported, the patriots were weeping and cutting their bodies over the death of Belshazzar.

The patriots were in the right. To be sure, the Jews were disappointed in their hopes of a razed Babylon. Cyrus worshipped Marduk far more zealously than did ever Nabu-naid. But with the death of the King's Son, Babylonian independence came to an end. For a time the priests of Marduk saw no difference. The difference came when the tolerant Cyrus and his two sons, Cambyses and Mardiya, were followed by the usurper Darius, ardent propagandist for the new religion of Ahura Mazda. Slowly Marduk disappeared into the same limbo into which the kings who had worshipped him had gone before. After all, Ezekiel's disciple was right when he foresaw Babylon following Assyria and Egypt to the depths of Sheol.

¹⁰² Pinches, *Expos. Times*, XXVI. 297ff.; *PSBA*. XXXVIII. 29ff.

THE PROBLEM OF INCONSEQUENT POST-DATING IN II KINGS XV. 13, 17 AND 23.

By W. J. CHAPMAN, Case Memorial Library, Hartford, Conn

IT WAS J. G. DROYSEN, I believe, who said that the events which have become history for us were not purposed as such by those who participated in them. The actors were governed by more immediate considerations. Will you allow me to make a special application of Droysen's position and say; neither were the events recorded in the first instance as history. Let us see how the foregoing postulate affects the problem in hand.

Two modes of dating are recognized by Biblical chronologers, coincident-dating and post-dating. Coincident-dating makes the first regnal year of a given king —*b*— identical with the last regnal year of his predecessor—*a*, while according to the second mode, *a*'s last regnal year becomes the accession-year of his successor, and the next complete year after that in which he came to the throne is called *b*'s first regnal year. Now there are two of the Israelite kings, Menahem and his son Pekahiah, whose annals employ a third mode of dating, in which the first complete year of either reign is termed the accession-year and the so-called first regnal year is really the second complete year after the king's accession to the throne. This we may call inconsequent post-dating. Now for the application of our postulate. In the present writer's opinion, the statements contained in II Kings 15: 17, 23, namely, that Menahem began to reign in the thirty-ninth and Pekahiah in the fiftieth year of Azariah (Uzziah) King of Judah, although the former is said to have reigned but ten years and the latter only two, must be attributed to the kings themselves, and represents an arbitrary imitation on their part of the chronological scheme that we find in the upper portion of the Assyrian Canon. But one must

picture the Canon as it was in Tiglath-Pileser's time—before the administrative changes introduced under Sennacherib—the horizontal line marking each new reign being drawn immediately before the royal limmu (eponymate), i. e., the second regnal year of each successive monarch. As we learn from the eighth-century prophets, party feeling ran high in Palestine during the last half-century of the Northern Kingdom. Menahem and his son were pro-Assyrian, and one can hardly err in assuming that nothing was too Assyrian for them. On this hypothesis their so-called first regnal year answers to the "eponym year" of their Assyrian overlords. It is by no means improbable that they introduced the eponym system into their administration. This leads to a number of important conclusions.

(1) Documentary evidence is in favour of the synchronisms as originally recorded. Neither the priests, nor any other influential class, had any motive for mis-stating the duration of a king's reign, but the kings themselves frequently had such a motive; Jeroboam I, for antedating his accession in order to assert the legitimacy of his rule against Rehoboam and the house of David; Jehu, for adopting the practice of post-dating, to show his loyalty to Assyria in small things as well as great; Joash of Judah, for expunging the reign of Queen Athaliah as a usurper. Conversely, it was as necessary for every man of average education, whatever his walk in life, to know what regnal years of the rulers in adjacent states corresponded to the current regnal year of his own king, as it is to know the year A. D. in Christendom, or that of the *Hiġra* in the Moslem East, or, to employ an even more pertinent illustration, for an educated Hindu to know the current year in terms of three or four different eras. Without such knowledge the ordinary activities of civil life would come to a standstill. To suppose, as most writers have done, that the synchronisms of the Books of Kings were computed by the exilic redactor, is to attribute to the ancients a kind of historical interest which they did not in fact possess.

(2) Eighth-century synchronisms and related data. (a) If the inconsequent post-dating characteristic of the annals of Menahem and Pekahiah represents the practice actually followed by the kings themselves, the synchronisms with the contemporary

Judaeen kings acquire cogency and self-consistency. Pekah ben-Remaliah, who slew Pekahiah and reigned in his stead, was the leader of the anti-Assyrian party, and therefore reckoned his own reign *de jure* from the downfall of the house of Jehu, his opponents, the two kings of the house of Menahem, being expunged as usurpers. Now, if we take the above-presented view of the rival dynasty, it will be found that the interval from the forty-first year of Jeroboam II to the first of Hoshea make out exactly the twenty years required by the annals of Pekah. The statements that Jotham began to reign in the second, and Ahaz in the seventeenth year of Pekah (II Kings 15: 32; 17:1), are therefore chronologically accurate, although the assumed duration of Pekah's reign be historically false. In any case, the Judean redactor could not date the accession of Jotham in the year 0 of Menahem, nor could he say that Jotham began to reign 'in the year that Menahem began to reign over Israel', since the so-called accession year was what in ordinary Palestinian usage would have been called the first regnal year. The course he took, although puzzling to us, was less confusing than any other plan that might have been adopted.

(b) The ages of Ahaz and Hezekiah at the time of their respective accessions. The former was twenty when he became king, the latter twenty-five; and the duration of Ahaz's reign sixteen years *current*, or not less than fourteen years complete. Hezekiah is called the son of Ahaz (II Kings 16: 20; 18:1). Now, if we place the accession of Hezekiah in the third year of Hoshea, according to the testimony of II Kings 18:1, he must have been born when his putative father was between two and three years old; conversely, if we add the duration of Hezekiah's reign (29 years) to the first complete year of Manasseh's reign, we gain at most fourteen years, but probably not more than twelve, for the age of Ahaz at the time of Hezekiah's birth. 'Son' may therefore be taken in some other than the literal sense. It is a singular fact that the mother of Ahaz is nowhere mentioned in the Judaeen annals (cf. II Kings 16:2; II Chronicles 28: 1). How are we to account for this singular omission? Is it not probable, that in the third year of Hoshea Ahaz adopted a younger brother—perhaps as a concession to

the prophetic party—putting some of his honour upon him (Numbers 27:20), and thus making him *rex designatus*? Had the sacred poet some such fact in mind (Psalm 2:7)?

(c) In II. Kings 17 :1 we must delete the numeral 'esreh and read bishnath shettaim le'Ahaz, 'in the second year of Ahaz'.

(3) Further traces of inconsequent post-dating in II Kings.

(a) It is probable that the practice did not originate *de novo* with Menahem. By comparing II Kings 13:10 with the contemporary Judæan synchronisms, it will appear, either that Jehoash of Israel employed the mode of inconsequent post-dating, or else that his annals have been revised to furnish a precedent for Menahem's policy. Assyrian influence was dominant in Western Asia under Adad-nirari III, which lends some support to the former supposition.

(b) Reign of Hezekiah. From whichever point one may reckon the twenty-nine years attributed to Hezekiah, the results prove inconclusive. If we equate his first regnal year with the third of Hoshea there will be a gap of from three to four years between Hezekiah's death and the first regnal year of his successor; and the like difficulty will confront us if we add twenty-nine years to the first regnal year of Manasseh. It is obvious, therefore, that Hezekiah must have been co-regent for an undefined period with his successor, or with his predecessor, or with both. In other words, the duration 'twenty-nine years' gives us no help whatever. There remains the statement of II Kings 18:13 that Sennacherib's invasion took place in the fourteenth regnal year of Hezekiah. It would be the twenty-sixth year, if reckoned from the third of Hoshea, but no more than the twenty-second if Hezekiah's twenty-ninth year was identical with the first of Menasseh (coincident-dating); the correction "twenty-fourth year' is therefore inadmissible. Since, however, Ahaz who pro-Assyrian, it is at least probable that he imitated Menahem in adopting the method of inconsequent post-dating; his death would therefore fall in the year 715 B. C., and 701, or the year of Sennacherib's invasion, will be precisely the fourteenth year of Hezekiah's sole reign. The present writer believes this to be the true solution.

(4) Non-biblical sources, etc. There is a discrepancy of at least one, and possibly two years, between the Assyrian and Babylonian sources for the later years of Tiglath-pileser's reign. In a paper read March 16, 1915, the present writer has shown that the Babylonian dates are correct, and that they substantiate the evidence of the Hebrew annals. We are therefore persuaded that the 'inconsequent post-dating' characteristic of the annals of Menahem and Pekahiah is a genuine item of 'past politics', that it had a precedent, real or supposed, in the annals of Jehoash of Israel, and that its consequences are traceable in the reigns of Ahaz and Hezekiah, the dated events of which period being unintelligible apart from the anomalous method of dating adopted by the fore-mentioned Israelite kings.

¹ Samuel Sharp, in a little treatise entitled *Biblical Chronology* (London 1869), and Gustav Löf, in the *ZfWTh.*, 1900, pp. 161-179, are, so far as our present knowledge goes, the only writers who have treated the anomalies of biblical chronology as positive data. Sharp was content to show, by a parallel arrangement, how the durations overlap or fail to meet; Löf analysed the nature of the difficulty involved and defined what we have called 'inconsequent post-dating' as *uneigentliche Postdatierung*, accepting at the same time the prevalent opinion that it is nothing more than the blunder of an exilic synchronist.

² The logical method of representing the year-sequence when the method of inconsequent post-dating was followed, would be:—accession year, year 0, year 1; and the reigns of Jehoash of Israel and Ahaz of Judah seem to indicate that this was the method actually followed in the contemporary annals. But the lack of a satisfactory notation, and the circumstance that two or more rival dynasties were involved in the reckoning, led the redactor to post-date the accession year, the implied scheme being: year 0, accession year, year 1. It is probably that the same rule applies to Zechariah and Shallum ben-Jabesh, the two ephemeral kings who preceded Menahem; but it is futile to guess, since we do not know what time in the calendar year Jeroboam II died.

NOTES ON PARALLELISM

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ALL EVIDENCE PRESENTED for a solution of the problems of Biblical criticism is merely circumstantial evidence. Each kind of evidence—stylistic, etymological, historical, archaeological—constitutes data for the plotting merely of a single line, more or less straight; and the truth lies somewhere along that line, if the evidence is really valid. But the truth itself would then be at a point, and a point can be fixed only by the intersection of two or more lines. If the lines are not straight (i. e., if the evidence is not clear, as it generally is not), the truth lies only somewhere within an area whose center is the ultimate point of intersection; the greater the number of intersecting lines the more certainly that area can be reduced. Stated somewhat differently, the probability of the correctness of any deduction is proportionate to the number and straightness of the different lines all pointing to one conclusion.

Each line of evidence must be plotted by itself; it must not be deflected by considerations pertinent to another line of evidence. If a line is made to swerve from its own course because it seems to be at the moment leading away from the direction taken by some other line, its value in deduction is to that extent minimized. Or, to change the analogy: in testing any passage, the reagent must be kept unaltered throughout the experiment. If in investigating a passage on the basis of style the student allows the consideration of historical or religious facts to influence his conclusions, the evidence from style is minimized.

Some lines of investigation in the Biblical sciences have been pursued with scientific directness; and the various "schools" have performed a correspondingly great service in enthusiastically upholding one or the other theory—in so far as in doing so

they have examined the Biblical text from a definite standpoint. To the extent that each has pursued its investigation to a logical conclusion, applying its test vigorously and mercilessly, even fanatically, it has prepared the way for ultimately arriving near the truth, for definitely accepting or rejecting the results of its tests. The greater the number of the investigators who have independently examined the evidence from the same standpoint, the more acceptable will be these results. The reviewer who, instead of welcoming the independent confirmation of conclusions reached by some previous investigator, is over-anxious to emphasize the repetition instead of the confirmation, betrays an interest rather in personal reputations than in objective science. Nor may the fact that a number of writers have accepted the conclusions of a scholar of even the greatest reputation be allowed to become too impressive; the number of those accepting expert opinion without independent examination of the facts (particularly those facts which may have been overlooked or too hastily rejected) must not be mistaken for the number of the results of laboratory tests. Science is not a democracy. For a democracy must respect a show of hands, and its chief justification in doing so is the satisfaction of the desires of a numerical majority, whether that majority be rational and efficient or not; but its efficiency is dependent upon the number of independently formed judgments represented in the voting. A democracy needs decisions, right or wrong. It is true that science also, when it becomes popular science, often makes premature summary statements of results; the epitomizer occasionally plots all the lines in one chart, and evaluates all the evidence as it appears at the moment; but in doing so, he frequently compromises: he chooses one line of evidence as though it were fixed, and subconsciously deflects other lines to meet it. The danger here lies in mistaking the nature of the popularizer's task (particularly when he is personally identical with the laboratory investigator)—in forgetting that he is attempting only a trial balance of results, which must not be allowed to become a dogma and inhibit a reexamination of the problems at issue. It is necessary in science to guard against generalisations, and also against arguments based on partial

analogy; against applying the results of the investigation of one problem to any other problem without a previous determination that the conditions underlying both are identical. In Biblical literature not only every book, but every passage, may present a problem with different factors; conclusions valid in regard to the literary form of the Psalms, for instance, or Lamentations, need not be applicable to the Prophets; nor again, those in regard to Jeremiah be valid for Isaiah; nor still again, those in regard to Isaiah, Chapter 3, to Isaiah, Chapter 4.

Of the various possible tests for literary form the metric test has in recent years been applied most consistently and thoroughly; it should soon be possible to present the results of this test clearly for every portion of Biblical literature, and decide whether, as a test, it is valid. Irrespective of the final decision, the scientific value of these studies lies in the thoroughness with which they have been made: when, finally, the results of the metric test are weighed against the results of other tests, judgment will feel assured that all the evidence along that line has been adduced, that its advocates have done their task well. But that final judgment cannot be made until other lines of evidence, the results of other tests, have been similarly presented. One such line, at least, is the line represented by parallelism, which is a characteristic feature of much Hebrew poetry and prophecy; but that the parallelistic test has not been applied as rigorously and thoroughly as the metrical test, will become clear from an examination of its use by two of its most ardent English advocates in the last decade, George Buchanan Gray ("Isaiah," in the *International Critical Commentary*, 1912, and *The Forms of Hebrew Poetry*, 1915), and George Adam Smith (*The Early Poetry of Israel: The Schweich Lectures for 1910*, published 1912), particularly the former. Both scholars contributed much to the study of parallelism, but both have possibly also retarded its progress. Both have spoken emphatically for the validity of the parallelistic test; and therefrom the conclusion might naturally be drawn that they have given it its full value in arriving at their results, that all has been done with the test that can be done; both, however, were under the necessity of presenting general conclusions, of compromising. Though they

expressed a judgment against the validity of the metric test as compared with the test of parallelism, they allowed themselves to be influenced, at the expense of parallelism, by certain other quantitative tests even when no such compromise was warranted; they did not apply the parallelistic tests as rigorously as scientific investigation demands.

A confession of this fact, indeed, is implied in Gray's criticism of the metrists (*Forms*, p. 125): "A metrical theory which finds innumerable passages corrupt, though they show, metre apart, no signs of corruption, has this disadvantage: given the right to make an equal number of emendations purely in the interests of his theory, another theoriser might produce an equally attractive theory." But this is just what the theoriser must attempt to accomplish. Gray's own conclusion, his rejection of the metrical theory, is based apparently upon the fact that a larger number of emendations than seemed acceptable to him was involved. But not the number of emendations, nor the proportion thereof coincident with "other signs of corruption" (which Gray himself mentions as one basis for comparison), nor the relative attractiveness of other theories (which, he implies, is another possible standard of comparison) can be determined until the parallelist and other theorists as well as the metrist, have made all the changes in the text necessary in the interests of their various theories. Gray's statement should have been so worded as to demand, not less effort on the part of the metrists, but equal effort on the part of other theorists, particularly the parallelists.

True, the parallelistic test is a much more difficult one to apply than is the metrical test, in so far as the emendation of passages is involved. By the very nature of parallelism the conditions to be satisfied in making a reconstruction are more numerous than in metrics, since a metrical theory allows, in the interest of form, for a larger number of deviations from logical thought presentation than does parallelism, in which (when correctly defined) form is inseparable from meaning. But just because of the numerous restrictions imposed upon the parallelist, his results are logically more satisfactory than those of another test less rigorous in the conditions which it imposes.

For instance: to restore the so-called *qīnā* measure in a given passage by merely adding a syllable to the first of the two equal halves of a line, is simple as compared with a length change that must at the same time yield synonymous terms in the two portions of a line to be emended.

The statements made above concerning the parallelistic test are particularly true in the case of the prophecies of Isaiah, with which I am especially concerned, as, indeed, Gray also was, since his *Forms* is based in part on his *Isaiah*. It is unquestionable that the greater part of the prophecies of Isaiah is in parallelism. This being true, if there is any scientific value in arguments based on style, an attempt must be made to determine why a minority of passages do not show that form. The very adoption of parallelism by the Prophet establishes the fact that it had a purpose in his literary economy; the overwhelming preponderance of its use not only establishes this presumption in the mind of the investigator but must have established a similar expectation in the minds of his first auditors or readers. The failure at any point in composition to satisfy that expectation calls, and must have called, particular attention to the point in question; and unless there was some overwhelming counter-satisfaction arising from the cause the departure would have offended aesthetic sensibilities, and would have defeated the Prophet's purpose.

For that purpose was indubitably in the first place to persuade his hearers of the truth of the message which he felt himself called upon to deliver. In whatever sense inspiration is understood, the Prophet was appealing to his hearers through the medium of human speech, in a form which would best suit his purposes. These hearers were Semites; and even if in their pre-Palestinian history the Hebrews were physiologically more closely connected with other, Semitic or non-Semitic tribes, historically and linguistically and psychologically their kinship was with the desert Arabs. The one persistent tradition of prophetic inspiration, Hebrew and Arab alike, reverts to the desert. And the Beduin of the desert are sensitive above all to stylistic beauty, to the appeal of rhetoric. On the Arab's lips is ever either a poem or a proverb; and the proverb is char-

acterized by form no less than is the poem. The proverb in its perfection has two characteristics: a balancing of form and a synonymy of terms; herein is contained the essence of parallelism. Parallelism is the characteristic form of the expression of poetic justice, as among the Hebrews: "An eye for an eye, and a tooth for a tooth;" "Atonement shall not be made on the earth for the blood that is shed on it, but by the blood of the one who sheds it." The truth of a statement is proved by the aptness of its form no less than by its appeal to logic, to thought symmetry. Indeed, this feeling for logic (or, at times, pseudo-logic) characterizes all the modes of Semitic expression. Semitic roots and word-forms show a logical regularity, a classification into formal categories such as characterize few, if any, other languages: to consonants and vowels are assigned distinct purposes in the economy of speech; noun forms are cast in a limited number of molds; all verbs are reduced to a single conjugational series. And it is this very regularity of speech elements that necessarily links symmetry of thought with its formal expression.

Parallelism is essentially literary architecture, and when Smith (*Early Poetry*, p. 8) says: "In reading a Hebrew poem I am often reminded of the Law, 'If thou wilt make Me an altar of stones, thou shalt not build it of dressed stones,'" it is rather his first thought of architecture than his subsequent attempt¹ to show the inaptness of the figure that betrays the effect of good parallelism upon the reader's mind. The term "parallelism" itself suggests this essential characteristic; and when Professor Gray (*Forms*, pp. 57-59) uses groups of lines to illustrate diagrammatically the elements of parallelism, he also reveals the structural nature of its appeal.

It is impossible, then, to separate the logical from the aesthetic aspect of parallelism: it is beauty in the service of reason, poetry in the service of justice. Parallelism as a form of poetic expression differs from other poetic forms in that it can never

¹ His metaphor "missiles like the pebbles from the brook" is applicable rather to those isolated lines and phrases which, not in parallelism, represent the smaller percentage of the material of Hebrew poetry.

sacrifice meaning to the mere demands of outward form without ceasing to be parallelism. In fact, the more nearly perfect the parallelism the clearer is the meaning.² For even in prose usage words generally have more than one connotation; and in the figurative speech of poetry, in its imagery, the possibilities of ambiguity are much increased; but when, as in parallelism, two synonymous terms are used, there is almost always but a single thought factor common to the two, and it is this one which the mind is forced to accept, or at least to emphasize, as revealing the author's intention. The parallelist may thus use rare words and striking figures to stimulate or irritate his hearers' attention, at the same time that he insures clarity in his appeal to reason. Parallelism, then, satisfies the demands of beauty and truth, of aesthetics and logic, of ecstasy and reason, of figurativeness and literalness, of form and meaning, of art and service; it reaches at once the heart and the mind.

The demonstrated predominance of parallelism in a literary production such as Isaiah, coupled with the establishment of a good and plausible reason for its use, makes an undeniable demand upon the scientific investigator that he subject the work to a rigid test from this standpoint. Obviously, no other explanation, however attractive it may seem for Hebrew poetical literature in general or any of its subdivisions in particular, and no hypothetical history of the development of parallelism from

² It becomes necessary to emphasize this fact because of such criticisms as that of Ackerman (in *Anglican Theological Review*, March 1920, p. 331), who calls attention to the replacement of ecstasy by reflection in the case of the Prophets, and adds: "the predominance of thought over feeling would naturally result in overbalancing parallelistic uniformity." At least as far as Isaiah is concerned this thesis does not hold; a purely parallelistic analysis of the text will throw suspicion on the same passages as does an analysis from the standpoint of thought clarity. Similar unwarranted implications are found in Smith's statement (*Early Poetry*, p. 10): "their [the Hebrews'] earnestness would appear less in a passion for beauty than in a sense of urgency and responsibility." This is a statement based on consideration of admittedly defective texts; and if a simple systematic emendation of a text emphasizing this "sense of urgency and responsibility" brings with it also a restoration of its beauty of form, the a priori decision that the Hebrew did not possess the necessary sense of beauty cannot be held to vitiate the results of the experiment and restoration.

primitive imperfection to later perfection, or vice versa, can relieve the Biblical investigator of this special examination of the text.

The importance of the parallelistic test was recognized by Gray, not only for Isaiah but likewise for Old Testament studies in general. He calls for "an unswerving loyalty to the demands of that other and more obvious form or characteristic of Hebrew poetry which is known as parallelism" (*Forms*, p. 240). "What is of importance is to...recognize the real distinction between what is parallelistic and what is not" (p. 47); "we shall still have to distinguish between parallelistic prose and prose that is not parallelistic,...or...between parallelistic and non-parallelistic poetry" (p. 48); "they [Gray's own studies in Nahum, in 1898] remain for the most part unaffected [by his later studies] largely, I believe, because in the first instance I followed primarily the leading of parallelism, and parallelism is likely to remain a safer guide than metre." These statements constitute a strong reaffirmation of his earlier expressed belief (*Isaiah*, p. ix) in the superior value of the parallelistic test.

Unfortunately, however, despite this insistence, Gray was not able to treat his subject in the way he suggested. As was indicated above, a really scientific investigation of any subject of considerable magnitude cannot be prosecuted if the investigator is under the necessity of attempting at the same time a synthesis of the results of other partially finished experiments. Where the parallelistic test was difficult to make Gray did not make it, although it is just in the most difficult passages that the value of the test would have been most clearly proved or disproved. But more than that, having accepted a compromise, Gray did not follow his own principles even where they might easily have been applied.

And therefore, prefixed to his first statement quoted above (*Forms*, p. 239) are these words: "The best service...will be rendered, I believe...by those who combine with a study of metrics....parallelism." Again: "metre may at times reinforce the guidance of parallelism, or act as a guide over places where parallelism will not carry us" (*Forms*, p. VII); and (*Isaiah* p. lxi): "But parallelism is not a constant phenomenon of

Hebrew poetry . . . in a poem which contains for the most part lines parallel in sense, the remainder of the poem in which parallelism is absent tends to fall into periods of the same length . . . This approximation to a similar length and rhythmical character in the periods of a poem is the best evidence that parallelism is not the only form of Hebrew poetry, but that it followed also certain rhythmical laws." The danger to the scientific study of parallelism in this compromise adopted by Gray, I repeat, lies in this: that because of his initial announcement of devotion to parallelism and because of the weight of his authority, students may conclude that all which can be done has been done in the way of parallelistic research.

Before giving examples of Gray's neglect of parallelism I desire to emphasize in what respects he clarified the investigation of the subject, both negatively and positively. On the one hand he showed the unscientific basis of some of Bishop Lowth's "synthetic parallels," and on the other hand he showed that in the class of "incomplete parallels" there should be properly included some previously unrecognized types. The difference between these two classes may sometimes appear to be subtle, but it can nevertheless be defined; it rests upon the fundamental principle that parallelism lies in a repetition of some part of one and the same thought, whether the repetition be outwardly visible in at least one pair of synonyms (with or without parataxis of the remaining elements in the lines) or whether, being unmarked by the presence of any synonyms it may be proved by the reformulation of the two lines as a single, simple, prose proposition. Even when two lines apparently state two separate facts, the implication of each line may be the same: there may be the parallelism of two halves of one whole, or there may be the apposition of a part with the whole; in these cases, to be included properly in parallelism, it must be clear that each statement of a particular, each statement of a "half," would imply the other half, or the general, were these not actually expressed. Thus, Gray (*Forms*, p. 57) gave as an example:

My hands stretched out the heavens,
And all their hosts commanded.

If this were an account of the historical sequence in which God is described as carrying on His activities, it would be possible to interpret these two lines as expressing two separate thoughts and, of course, they would then not be parallels. But, as Gray pointed out, each line means simply this: "I am the creator of the universe"; and the proof of this interpretation, he might have added, lies in other similar passages in which four or more lines occur each mentioning some specific example of God's creatures or of His creative activity; surely the two lines quoted above, by contrast with such passages are not to be taken as doubting His creation of the additional creatures mentioned in the four line stanza! No, the mention of one implies all the rest; the mention of two or more in successive lines is merely the parallelistic form of expression for which logically one line or any number of lines might be substituted without changing the one essential, underlying thought: God is the creator of everything.

To illustrate Gray's proper understanding of the class of incomplete parallels, "distichs in which each line has but one parallel term and two terms non-parallel," a few cases will be repeated here (cf. *Forms* pp. 78, 94, particularly p. 79):

Now shall it be said of Jacob—
And of Israel, what hath God wrought?

This is an extreme case; but the division (Gray stated) is necessary, because if we divide thus:

Now shall it be said of Jacob and Israel,
What hath God wrought?

the natural suggestion would be "that Jacob and Israel are different entities"; and Gray might have added that the immediately preceding couplet proves, if any proof is needed, that parallelism is intended:

Surely there is no enchantment against Jacob,
Neither is there any divination against Israel.

Again (p. 80):

(They sacrifice upon the tops of the mountains,
And burn incense upon the hills,)
Under oak and poplars,
And terebinth; for good is the shade thereof.

This is another extreme case; but in his arrangement of the words Gray would have filled out the thought thus:

Under (shady) oaks and poplars,
Under shady terebinths.

It does not alter the thought any that for the adjective "shady" the Hebrew substitutes the clause "for they are shady"; this is here a mere matter of rhetoric, not of essential meaning; there is no real cause implied in the use of the word "for"; indeed, the Hebrew כִּי, is in general, not nearly so strong a causal conjunction as the English "for"; the English version itself sometimes, e. g., in Num. 23.23, translates it "surely."

Another example of incomplete parallelism cited by Gray (p. 79) is Gen. 49.9:

He stooped down, he couched as a lion,
And as a lioness: who shall rouse him up?

Here, if we place "as a lion and a lioness"³ in one line it would suggest a comparison with two different beasts, whereas the parallelism really expresses comparison with the lion-class, which it denotes by the use of two synonymous terms." The thought in second line, I might state is as follows:

And as a lioness he cannot be roused up.

Gray reasoned soundly here; he followed the principle that the one absolute essential of parallelism is thought repetition, with or without syntactic identity; and that, when preceded and followed by other couplets of undoubted parallelism, such lines must be regarded as parallelistic in the author's intention.

³ Similarly of the phrase "as an oak and a terebinth" in Is. 5.13 Gray properly said (*Isaiah*, p. 111), "the combination of these two terms is curious"; but since he regarded this phrase and the remainder of the verse as of late origin, he did not discuss it in detail.

But to turn now to a different aspect of Gray's thesis. Apparently, in his own mind he added another required factor in parallelism, that of compensation (in incomplete parallelism) by means of line length. In commenting on Bishop Lowth's "synthetic parallelism" Gray (*Forms*, p. 51) called attention to that writer's treatment of Psalm 2.6, which is here emphasized because Gray himself calls it "a really test case":

I also have anointed my king on Sion,
The mountain of my sanctity.⁴

Bishop Lowth had stated that the thought expressed here was this:

I also have anointed my king,
(I have anointed him) in Sion, the mountain of my
sanctity;

and against this Gray justly protested that Bishop Lowth had supplied the "one and only point of resemblance (i. e., I have anointed) that exists between the two lines." But had Bishop Lowth divided and explained the lines thus:

I also have anointed my king on Zion,
(I have anointed him on) the mountain of my sanctity,

as the thought division requires, there would have been evident a clear case of parallelism by means of single term synonymous repetition: "Zion" and "mountain of my sanctity."⁵ Similar parallelisms between various appellatives of Jerusalem occur repeatedly in Isaiah, e. g.,

And they shall worship the Lord on the Holy Mount,
In Jerusalem (27.13).

To the place of the name of the Lord of Hosts,
Mount Zion (28.7).

⁴ In a foot-note Gray stated that "the verse is so divided by Lowth"; as a matter of fact Lowth did not so divide it, but he printed it as one solid line; cf. the Hebrew and Latin in the edition of 1770. The matter is of no importance, except in that it may confuse the reader in regard to the argument.

⁵ Or, "my holy mountain," *הר קדש*. Cf. the same phrases in parallelism in Joel 2.1.

Toward the Mount of the daughter of Zion,
The hill of Jerusalem (10.32).

But Gray demanded that Ps. 2.6 should be divided thus:

I also have anointed my king,
On Sion, the mountain of my holiness;

just as in Is. 27.13 (*Isaiah*, p. 408) he had divided, against the parallelism and thought division:

And worship Yahweh
In the holy mountain in Jerusalem;

although in Is. in 10.32 he divided as indicated above, making "Mount of the daughter of Zion," and "Hill of Jerusalem" properly parallels (*Isaiah*, p. 206); and he similarly divided properly (*Forms*, p. 167) Psalm 48.2:

Great is Yahweh,
And highly to be praised,
In the city of our God,
The mountain of his holiness.

An examination of the Hebrew text in these cases shows that Gray's variety in his treatment of the same thought material was due to the influence of theories of quantity and rhythm, and this compromise becomes clear in another example (*Forms*, p. 180). There the argument is concerned with the rhythm of Isaiah 14.4 *et seq.*, and Gray pointed out a number of cases of inverted *qīnā* (i. e., with the longer portion of the line before instead of after the caesura) which violate the "dominant" form (in this case it was for him the *qīnā*) of the setting in which they occur. One of these is 14.8:

מֵאָז שָׁכַבְתָּ לֹא יָעֹלָה הַכֶּרֶת עָלֵינוּ

Since thou hast lain down the feller cometh not up against us.

Prof. Gray asks concerning this: "Are not the contrasted verbs [i. e., the antonyms 'lie down' and 'go up'] to be closely associated, יָעֹלָה sufficiently completing the sentence for the moment and then being reinforced by the nominative sentence

which follows, but which was intended to be pronounced after a pause? If this view be correct we may translate, not as above, but—

Since thou hast lain down, there cometh not up
The feller against us."

This was, in fact, the division adopted by Gray in his *Isaiah*; he distinctly did not follow the demands of the "dominant" parallelism here, but violated the essentials of parallelism for the sake of the "dominant" 3:2 rhythm; there is absolutely no logical justification for joining "lain down" and "cometh up" in one thought period, and separating a predicate from its subject. If parallelism is "dominant" in Hebrew poetry in general and also in this poem in particular (as it is), does not "dominance" suggest at least that parallelism as well as *qīnā* was most probably present in the original form of this prophecy?

These two cases (Ps. 2.6 and Is. 14.8) are examples of the sacrifice of parallelism, one to avoid unequal line length (where the so-called *qīnā*, then, was not desired), the other to produce it (where the *qīnā* was desired). But it is particularly in the case of lines with a somewhat greater degree of inequality and which when kept undivided would produce tristichs of various forms rather than distichs or quatrastichs, that Gray showed this domination by other considerations than those of parallelism. Thus Is. 1.5cd reads:

The whole head is sick,
And the whole heart diseased,
From sole of foot to head no soundness (is) in him;

here "from sole of foot to head" is a thought parallel to "whole head"⁶ and to "whole heart"; "no soundness" is a thought parallel to "sick" and "diseased"—i. e., there is here an example of that same type of partitive apposition that Gray properly defined elsewhere. But he divided here thus:

⁶ "Head," ראש, is here evidently a mere slip for "body," בשר; the weak repetition of "head" in lines 1 and 3a in itself makes this emendation probable.

The whole head is sick,
 And the whole heart diseased,
 From the sole of the foot to the very head
 No soundness is in him.

So throughout his *Isaiah* he regularly treated other such thought-tristichs as quantitative quatrainstichs, making two lines where the thought is clearly inseparable, as in 1.7:

Your tilled land before you,
 Aliens are devouring it;

and 1.8:

And the daughter of Sion is left
 Like a booth in a vineyard.

Indeed, on p. 55 of his *Forms* Gray formulated clearly his quantitative substitution for the qualitative test:

"Where the breaks occur [i. e., breaks in the long, uninterrupted flow of narration, such as are found in prose as distinct from poetry] with as much regularity as when the successive clauses are parallel to one another, we may, even though parallelisms of terms or thought between clauses are absent, term the style parallelistic, as preserving one of the necessary consequences of actual parallelism."

But this in reality is as much an abuse in the use of terms as Bishop Lowth's "synthetic parallelism" against which Gray justly protested. It admits into parallelism what dispenses with the one absolutely necessary characteristic of parallelism, a repetition of at least one part of a thought.

To the extent that Gray was herein actuated by aesthetic considerations, his motive is not to be criticized; in what is undeniably poetic in its conception and treatment, principles of aesthetics are to be sought. But what constituted an aesthetic appeal to the Semite must be sought within Semitic literature and not in other literatures. An arrangement of parallel lines of unequal length may itself have had an aesthetic appeal; indeed, the *qīnā* is frequently treated by Gray as a distich of two unequal stichoi; and the use of parallelistic tris-

tichs with the third line long may, together with other deviations from quantitative regularity, have afforded within the unity of a parallelistic design that very variety which in itself is a source of aesthetic satisfaction.

If analogies in literatures are valid, then it is Arabic rhymed prose which should be studied⁷ for an understanding of the aesthetic appeal of Hebrew parallelism, since Arabic rhymed prose is itself a development out of primitive parallelism. Some aspects of its aesthetic appeal are mentioned in the *Husn at-Tawassul* of Maḥmūd ibn Salmān al-Ḥalabī, quoted in Kaḥkashandī's *Subḥ al-A'shā* (Cairo, 1913, pp. 277 *et seq.*); a brief summary follows:

In the distich the two lines may be of equal length. Or the second may be a little longer than the first (e. g., eight and nine words⁸ respectively), but if it is considerably longer, aesthetic dissatisfaction results, because the ear must wait too long for the rhyme which it has been led to expect. If the second stichos is shorter than the first, the author of *Al-Mathal as-Sā'ir* holds it to be very faulty, because the hearing will have been led by the first stichos to expect a certain length in the second and will be dissatisfied by its abbreviation, like a man who has a certain goal in view but stumbles before he reaches it; but Abū Hilāl al-'Askarī finds




⁷ For illustrating certain other aspects of parallelism Gray used the Arabic *saj'* to good effect.

⁸ Length in the foregoing analysis is expressed in terms of the number of words in the stichos, not by the number of syllables or accents; this word-measure corresponds closely to Azariah de Rossi's ענין, "thing" (or perhaps better "idea"), as the measure in Hebrew poetry. A careful examination, however, of some of the examples quoted in the Arabic text shows that word-counting, also, is not satisfactory in all cases; an exceptional line consisting entirely of short words is reckoned a shorter line than one consisting of a smaller number of normal, longer, words. Indeed, probably no system of exact measurement is applicable, because, unless a long line is subdivided into a number of smaller units, all of these units identical in quantity (as is the case in real metrical poetry), the ear, particularly when as in parallelism the attention is directed principally to the thought content, loses count of syllables, and length is perceived only as an impressionistic approximation.




this beautiful, supporting his preference by citing the frequency with which it occurs in Muhammad's sentences.

When more than two stichoi are used, they may all be equal. Or the first may be short, and the second and third equal. Or the first and second may be equal, and the third longer. Or the second may be longer than the first and the third longer than the second, in which case, however, the difference in length of the third over the second and first should be greater than the difference between the second and first; examples of proper proportions are given as 4:4:10 and 8:9:10.

There is no intention here of urging that the specific definitions or proportions of the Arabic *saj'* as enumerated above be applied to Hebrew parallelism; it is desired merely to indicate that parallelism did not necessarily to the Semitic ear invariably mean equality in the length of parallel lines, and that the investigator of parallelism should pursue his investigations undisturbed by such questions of length; probably a classification of forms made on the basis of parallelism will show that these forms fall into groups characterized by varying, aesthetically satisfying, proportions, and that the accepted *qīnā* was not the only satisfactory variation from exact equality in line length. The passage quoted above from Isaiah (1.5, 6), if read as a tristich, shows the proportions 3:3:7 or (if the *maḳḳeph*-hyphen of the Masoretic pointing is regarded) 2:2:4, which might be compared with the 4:4:10 given as an example of acceptable *saj'*; in Gray's own schemes of graphic representation (*Forms*, p. 54 *et seq.*) this would become

or

which, as a design, is surely aesthetically satisfactory, or at least might well have been satisfactory to the Hebrew.

The question of tristichs as against distichs or four line stanzas, and the attempt to determine what produced aesthetic satisfaction, may in a way appear to be merely an academic question; but it becomes essential to Biblical criticism when a passage is deemed defective because of its supposed formlessness, or when a simple emendation would yield a logically consistent tristich of this form as against a more radical correction necessary to restore equal line length.

Some of the foregoing remarks concerning Gray's treatment of parallelism apply also to that of Smith, whose advocacy of parallelism is repeated several times in his *Early Poetry*, mentioned above. Thus:

"In Hebrew poetry the clauses or sentences which are universally, or almost universally, coincident with rhythmic lines. . . stand in couplets or less frequently in triplets, parallel in meaning to each other. In other words, the balance of music in the lines is wedded to—I think that it is controlled and modified by—a balance of thought and meaning" (p. 13).

Before this he had stated (p. 12): "I venture to think that such [i. e., the metric] irregularities are capable of other explanations, and their first and principal cause appears to me to lie in the dominant characteristic of Hebrew poetry—the parallelism of its lines." "Keeping in mind that the cardinal factor in Hebrew verse is its parallelism, we divide the lines accordingly" (p. 51; cf. p. 84).

Despite such insistence on parallelism, however, Smith in many places betrays clearly that he was influenced by other considerations, and did not use the parallelistic test with that scientific objectivity that his own statement of its dominance demands. It is astonishing to read this judgment expressed on p. 19: "The zeal, manifest in many reconstructions of Hebrew verse, to reduce lines to strict metre and the parallelism to absolute symmetry, seems to me, to be unscientific. I cannot follow the Symmetrians." Far from being unscientific, it is the only procedure that is scientific. Smith bases his objection on "what we do know about Semitic and other poetries" and "what we do not yet know." But it is the method of science to find out about "what we do not yet know" by means

of experimentation, and not to arrive at conclusions by means of impressions.

Notice more in detail Smith's argument. He explains why no metrical test for Hebrew poetry is sufficient and offers parallelism as the main, more potent, motive in that poetry. But, he adds, there are additional reasons for metrical irregularities, and he introduces the analogy of symmetrophobia among Oriental workmen. The comparison of Hebrew poetry and prophecy to the handwork of an ignorant, superstitious Oriental workman is a begging of the question; and Smith, as a matter of fact, seems to recognize this, for he qualifies his remarks as to the actual expression of symmetrophobia in art thus: "if it knows no better [symmetrophobia] will express itself in arbitrary and even violent disturbance of the style or pattern." It is necessary, then, to show that the Hebrew poet "knew no better" than to yield to some superstition; but there is no other trace anywhere in Semitic literature of the operation of symmetrophobia. Smith next turns to the analogy of the redundant syllables and the broken lines in the later blank verse of Shakespeare, or rather, to the more "blundering attempts" of Shakespeare's predecessors in English poetry; it is not clear whether Smith would find the ultimate origin of these also in symmetrophobia, or not; but this much is clear: he has been arguing about purely metrical irregularities in Hebrew poetry. He next cites as analogies "similar" irregularities in modern Arabic poetry, quoting Snouck Hurgronje to the effect that the singing women of Mekka do not "exactly treat rhyme with respect, while they often push metre aside and employ the easier form of rhymed prose." But notice the implication: that in song⁹ the necessities of the dominant motive, music, may cause liberties to be taken with rhyme or metre; and secondly, that even then one of the other two recognized literary forms, metrical poetry, or rhymed prose, is present in addition to the music. This might furnish an analogy for the replacement of metrics in Hebrew by some other dominant motive, e. g., by parallelism; but it by no means furnishes even an analogy for a purposeless departure from the dominant motive; indeed the

⁹ The same thing is true of his reference to Dr. Dalman's collection of Arab songs.

argument would at first glance seem to have been intended only as against metrics by Smith himself: "to all these considerations, then, due weight must be given before we can have assurance in emending the text of the Old Testament on metrical grounds alone" (p. 19).

Without further consideration, however, Smith has applied the results of his argument (or rather, analogies) concerning quantitative metre to qualitative parallelism, in the words cited above with reference to absolute symmetry. Possibly it is true that in objecting to the "absolute symmetry" of parallelism, Smith meant absolutely regular quantitative parallelism and desired to provide for the recognition of such variations as the long line which he found in climactic parallelistic couplets and triplets;¹⁰ but it is to be feared that this interpretation was not intended by him, for in the body of his treatise, despite his avowals of devotion to parallelism, he has neglected it not only as a check on emendation, but as a criterion for the line division. The following example (p. 50) contradicts all that is fundamental in parallelism, since it equates "thy dwelling shall be" and "of heaven above":

Lo (far) from earth's fats
 Thy dwelling shall be;
 And (far) from the dew
 Of the heaven above.

The Hebrew here, translated in parallelism, is this:

Behold, from the fatnesses of the earth shall be thy dwelling,
 And from the dew of heaven on high;

in the second line there is to be repeated in thought "shall be thy dwelling." In transliteration this is:

Hinnē mishmannē ha-āreṣ yihyē mōshābhēkhā
U-miṭṭal hash-shāmayim me-'al;

and this might be compared with the *saj'* example, "with second line short," quoted by Ḳalkāshandī:

¹⁰ P. 20; here Prof. Smith is on firm scientific ground; he classifies a number of cases having a *raison d'être* self-explanatory, and reenforcing, not violating, the dominant motive.

Rahima-llāhu man qāla khairan fa-ghanim

Au sakata fa-salim,

in which again the first half of line 1 must be supplied in thought with line 2. But like Gray, Smith apparently objects to the long line, and violates Semitic parallelism to produce metrical English verse.¹¹ Many other examples might be quoted.

Likewise in the case of emendations, he disregards parallelism, and offers, for instance, this version of Judges 5.8:

Sacrifice ceased (?)

Barley-bread failed. (?)

Was shield seen or lance,

In the forty thousands of Israel?

But the Hebrew text in the second line offers as an equal possibility, "fighting [or 'fighters'] at the gates failed," which surely is logically more fitting with "shield and lance were not seen" in the next line, as well as with the sequel in verse 11c, which declares that after Deborah arose, then "God's folk and his warriors came down to the gates again" (the concept "fighting at the gates" is shown by Is. 28.7 to be a good Hebrew one). And if in line 1 the Masoretic reading "they chose new gods" can be made to yield "sacrifice ceased" it might without any more difficulty be made to yield a reading better suited psychologically to parallel "sword," "shield," and "war."

But in any case, from texts admittedly in an unsatisfactory condition it is not logical to draw any such definite conclusion as that contained in the latter part of the following statement (p. 84):

"First we see plainly that parallelism was already in that early age the prevailing and dominant feature of Hebrew verse, but it is of the more free kind, as in other early and strong poems, and less artificial than it became in the later verse." Objection must be raised to the implication that "less free" parallelism is "artificial" and "late." The oldest piece of Hebrew poetry is admittedly the "Song of Lamech," Gen. 4.23 *et seq.* It is

¹¹ His third line, "and (far) from the dew", is in Hebrew only *ūmit-tal*, as against *hash-shāmayim me-'al* for his fourth line; moreover, he thus divides a noun in the construct from the noun governing it.

a series of six lines, forming three as regular parallelistic couplets as could be produced; and if any conclusion could be drawn from this it would be the reverse, that regularity was primitive, and irregularity was late. Or, if it could be shown that some of the oldest pieces were the most irregular, this might be ascribed a priori to the vicissitudes of transmission. But a history of the development of Hebrew poetry can come only after the texts have been fixed; it cannot be written from uncertain texts, and then used as an argument against attempts to restore them, where restoration is necessary, on the basis of what constitutes their dominant characteristic. And it is quite possible that when that history can be written, it will be found to duplicate in a way the history of the development of forms in other intellectual fields, namely, a development from simplicity to greater and greater elaboration and complexity, and then either, on the one hand, by a process of selection back to a stage of simplicity, or, on the other hand, by a process of dissolution, to some entirely different form. For parallelism we might suppose a history beginning with absolutely simple synonymous repetition in fully expressed propositions; introducing then the *stichos* in which a member is left to be understood; next, the many intricate combinations of alternate parallelism, unequal lines, and the many varieties of suspensive parallelism (parallelism in which one part of a proposition is doubled before its conclusion is expressed and similarly doubled)—all still preserving, within complicated patterns, the essential of parallelism, i. e., the repetition of a single thought; nevertheless, the second and third stages might have led to familiarity with the incomplete line, and, under the influence of other factors gradually becoming dominant, to the final abandonment of parallelism. But even if this be true, if it could be shown that in the Psalms, for instance, or in Job, or even in Jeremiah, parallelism had ceased to be the dominant form of poetic expression, this would not warrant the conclusion that the same is true of any other author—Isaiah, for instance. Every individual book, and more, every individual poem or prophecy, must, as has been indicated above, be treated as a separate problem, without any prejudgments. If in any poem or prophecy parallelism is found to be the dominant

motive, and emendation is found to be necessary anywhere in the composition, textual emendation ceases to be scientific if it does not rigidly apply the parallelistic analysis to its every portion, and emend on the basis of that analysis; the results must then speak for themselves, namely, the internal coherence, the logical and aesthetic unity and harmony, of the resultant product; if these are evident, the experiment must be considered successful until something better takes its place; but final judgment cannot be given until the obvious experiment has been made. The fundamental conclusion as to parallelism reached by Gray and Smith, and not their violation of it in practice, should be the impetus to further investigations into the forms of Biblical literature.

STUDIES IN HEBREW ROOTS AND THEIR ETYMOLOGY

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קִרַּר and קָדַד

HEBREW LEXICA are quite uncertain about these roots: an Assyrian *Ḳadādu* is quoted under קִדַּד in order to explain the passages where this root apparently means "to bow down", while under קָרַר, besides the ordinary meaning "be cold", also another, "tear down", is offered to explain, as it were, the difficult passage קָרַקְרַק in Is. 22, 5.¹ To support the latter the talmudic קָרַקְרַק "tear down" is often adduced, despite the fact that the talmudic use of this word is already based on an erroneous conception of the biblical passage.² If we add, furthermore, that this rendering is far from satisfying the context,³ it becomes evident that another etymon must be sought for the right interpretation of this passage.

And indeed a parallel quadriliteral form occurs also in other Semitic languages: Arab. قَرَقَرَ (reduplicated قَر) signifies "to coo" (of a pigeon), "to grumble" (of a camel), "to complain" (of a man), "to reverberate" (of a thunder);⁴ likewise Syr.

¹ Comp. Brown-Driver-Briggs, Gesenius-Buhl¹⁵, König, and others, *sub verbo*.

² This misconception was due to the familiar קִיר "wall" and the construction of קָרַקְרַק as its denominative, hence "battering or tearing down a wall".

³ For מִקְרָקְרַק, apparently a predicate, lacks the required subject. The translation of the English version "breaking down of the walls and crying to the mountain" seems to assume a substantive מִקְרָקְרַק or something similar to it, in apposition with מְהוּמָה מְבוֹסָה מְבוּכָה. But besides the disagreement with our vocalization the assumed form is quite unusual and difficult.

⁴ Comp. Lane, *Arabic-English Lexicon*, p. 2500, col. 2, also Dozy, *Supplément aux Dictionnaires Arabes*, II, 335, col. 2.

קרקר,⁵ and neo-Hebr. קרקר.⁶ Applied to our passage it yields excellent sense: מקרקר קר ושוע אל ההר "Kir rumbles and shouts to the mountain",⁷ an interpretation reflected also in the Talmud.⁸ This rendering has the advantage over the construction of Cheyne and others⁹ ("Kir undermineth and Shoa is at the mount") in that it establishes a parallelism between מקרקר and שוע, in addition to the paronomastic and assonant effect, of which Isaiah is naturally fond.

Side by side with קדר "bow down" I would like to suggest a new Hebrew root קדר corresponding to Arab. قَدَّ,¹⁰ Syr. קד,

⁵ Payne Smith, *Thesaurus Syriacus*, col. 3762 f.

⁶ Levy, *Neuhebraisches und Chaldaisches Wörterbuch*, IV, 391.

⁷ Both Rashi and Kimhi render שוע by קול שועה, thus anticipating W. J. Gerber (*Die hebräischen Verba denominativa*, p. 33) who considers שוע a denominative of שָׁנַע. The infinitive absolute instead of the finite verb is due to excited speech, comp. Gesenius-Kautzsch § 113y (2d English edition, p. 345).

⁸ b. Taan. 29a: מקרקר עליהן כתרענולת שמקרקרה על בניה שנאמר מקרקר קר ושוע: אל ההר. Levy in a parenthesis (*ibid.*, col. 2) supports this interpretation of מקרקר, but construes קר as a derivative therefrom, rendering thus: "the enemy makes noise = קר". As to b. Ned. 51a ובקירני דאמך, it should probably be emended to ובקיררי and rendered "loquacity" (Jastrow's "croaking" is a guess based no doubt on the comment of the ר"ן: שתהא אמך מקרקרת ומזמרת).

⁹ Notably Graetz, Stade-Siegfried, and Winckler, all of whom construe קר and שוע as two tribes: קר being similar to קר = Ḳṛ in the following sentence while שוע, as in Ez. 23, 23, corresponds to Su, abbreviated from Sutu, comp. Delitzsch, *Wo lag das Paradies*, p. 235 f.; Schrader, *Keilinschriften und das Alte Testament*,³ pp. 22 and 273; Winckler, *Altorientalische Forschungen*, II, 253 ff: If שוע could indeed be proved to be the name of a tribe, then it might be maintained that a verb שָׁנַע accompanying it had been lost through haplography. In support of this supposition might be quoted the double *πλανῶνται* of the Septuagint, which apparently derived שוע from שעה in the sense of פנה; the redundant ἀπὸ μικροῦ ἔως μεγάλου is no doubt a later insertion and must be considered a gloss.—In justice to Luzzatto it should be stated that not only was he one of the first to suggest this plausible interpretation in his *Sefer Yeshaya* (Padua 1855-67) *ad loc.*, but that he also guessed the meaning "shout" for קרקר, in both of which he is followed by the American Jewish version.

¹⁰ Lane, *l. c.*, p. 2489, col. 3.

¹¹ Payne Smith, *l. c.*, col. 3483.

talmudic קדר,¹² and signifying "cut lengthwise, dilacerate". This root undoubtedly underlies Num. 24, 17 מוֹחֵץ פִּאֲתֵי מוֹאָב וּקְרַקֵּר כָּל בְּנֵי שֶׁת, where וּקְרַקֵּר should be emended to וּקְרַקֵּר:¹³ "And he shall smite through the clans¹⁴ of Moab, and wound severely all the sons of Sheth".¹⁵ The slight emendation of ר to ד rights the difficult passage and yields a felicitous parallelism.¹⁶ This rendering is supported by the Septuagint προνομέουσαι, Symmachus ἐξερευνήσει, for which Schleusner¹⁷ suggests ἐξερημώσαι, Vulgate *vastabit*, Peshitta ונשעבר, and Saadya וזלזל. As a matter of fact modern commentators generally adopt this emendation, only pointing וּקְרַקֵּר by analogy with Jer. 48,45 וְתֹאכַל פֶּאֶת מוֹאָב וּקְרַקֵּר בְּנֵי שֶׁאֹן. However, here too, as was already suggested by Levy,¹⁸ we might very well read וּקְרַקֵּר as a parallel to וְתֹאכַל: "and consumed the clan of Moab and devastated the children of Shaon".¹⁹ This translation may even be said to be supported by Theodotion's καὶ ἐξηρεύνησεν τοὺς Σαῶν, which Schleusner²⁰ emends to ἐξηρημώσεν.

¹² Editions generally have קדר.

¹³ Pilp. of קדר corresponding to the intensive Pi'el, as so often in the Talmud.

¹⁴ פֶּאֶה = פָּאָה "detachment, party of soldiers", parallel to בְּנֵי, and the only translation yielding a satisfactory sense, comp. Yahuda in *Z. A.*, XVI, 271.

¹⁵ שֶׁת being the name of a tribe in parallel to מוֹאָב, perhaps the Suti mentioned above, or, as Meyer (*Die Israeliten und ihre Nachbarstämme*, p. 219) suggests, a Moabite tribe. This construction is preferable to and also more probable than the assumed שֶׁת = שָׂאָה "devastation" or שָׂאָה "pride".

¹⁶ Which is demanded particularly in the face of אֲשֹׁרֵנו and אֲרָאנו and דָּר, אֲשֹׁרֵנו and שֶׁת.

¹⁷ *Novus Thesaurus philologico-criticus, sive Lexicon in LXX... Veteris Testamenti* I, 805, col. 2f.

¹⁸ *Wörterbuch*, IV, 248. Levy here derives וּקְרַקֵּר from קדר "to cut", in the same way as קץ is derived from קָצַץ, suggesting at the same time וּקְרַקֵּר for וּקְרַקֵּר in the Jeremiah passage. But in the latter passage a difficulty would still remain with reference to the gender of וּקְרַקֵּר, which, like וְתֹאכַל, ought to be in the feminine.

¹⁹ It is not difficult to see that Sheth in Numbers and Shaon here refer to the same tribe, one of the names being corrupt.

²⁰ *Lexicon*, l. c.

נהר

Bible dictionaries generally register two species of נהר: one signifying "to flow", from which נָהַר "stream" is derived, and another meaning "to shine", which gives rise to נִהַר "light". These etymologies, so plain in themselves, have been adopted by exegetes of all shades and opinions and are hardly questioned at all. However, after a close inspection and investigation of the biblical passages in which this verb occurs, we find that the sense resulting from the current interpretation is far from satisfactory. Thus in Jer. 31,12: **ובאו ורננו במרום ציון ונהרו אל טוב יהוה**, the translation "flow together unto the goodness of the Lord", besides being anything but smooth, is hardly a fit parallel to the preceding "sing in the height of Zion". The prophet's diction, as is well known, is replete with parallels which, as the case may be, either heighten or keep on the same level the effect of the first phrase, the former, heightening or intensification, being in preponderance.²¹ Accordingly, we should expect something like "rejoice" for ונהרו. The same holds true of Is. 60, 65: **או תראי ונהרת ופחד ורחב לבבך**, where "lightened" is hardly in close agreement with "tremble and be enlarged." Here, likewise, we feel that only a verb such as "rejoice", and no other would do justice to the context. Finally, Is. 34, 6: **הביטו אליו ונהרו ופניהם אל יחפרו** should be included here: "lightened" is naturally said of the face, so that ונהרו פניהם would be required, while ונהרו in itself seems to imply an emotion of the whole body.

Now, in consulting the Arabic lexicon where alone we find נהר in the sense of "flow" (the other Semitic languages know only of נהר "shine"), we perceive that نَهَرَ really means "to flow abundantly or with force", and, what is even more important, that it is said not only of a river but also of blood coursing through the body without stopping.²² Consequently, נהר may imply "be excited, overflow with emotion" or "rejoice exceedingly,

²¹ Comp. Rothstein, *Grundzüge des hebr. Rhythmus*, p. 51f.

²² Lane, *Lexicon*, p. 2857, col. 3f., where the following meanings are quoted from native grammarians and lexicographers: "it (blood) flowed with force"; "it (blood) flowed like a river"; "it (a vein) flowed and would not stop".

exult". This is not without an analogy in the Indo-European languages: Lat. *exultare*, which originally meant "to spring vigorously, leap or jump up", came to mean also "to exult, rejoice exceedingly"; and likewise Greek *ἐξίστημι*, originally "put out of place, retire, flee", came to signify also "overcome with emotion, be in ecstasy".²³

Applying this interpretation to the passages in question, we might translate in Jer.: "And they shall come and sing in the height of Zion, and shall rejoice (or overflow with emotion) at the goodness of the Lord". This is, furthermore, supported by such a literal translator as Aquila, who renders *καὶ ἐκστήσονται*²⁴ and the Targum ויתפנקו בטוב. In Is. 60,5 translate: "and thou shalt be overcome with emotion and thine heart shall tremble and be enlarged". Here we have the testimony of Theodotion (the other Greek versions not being extant) who renders *καὶ χαρήσῃ*.²⁵ In Ps. 34,6 we may likewise render "they looked unto him and rejoiced", which is certainly more vivid than "lightened". As to Is. 2, 2=Mic. 4,1: ונהרו אליו כל הנחלים, we ought likewise to render "flow abundantly or precipitously"²⁶, and not merely "flow" or "stream", the only difference being that here the motion is external instead of internal.

There is therefore only one verb נהר, "to flow abundantly", which, like its Arabic prototype, may either be subjective, referring to the blood within the body and thus designating great

²³ A further analogy is furnished by the Hebr. התעבר "be excited, angry" (comp. also עִבְרָה "excitement, anger"), derived from עבר "pass, flow, overflow". That even the *qal* itself may have the intensive meaning is proved by such a passage as עבר מתעבר in Prov. 26, 17. Comp. also Fraenkel, in *Beiträge zur Assyriologie*, III, 65 f., who construes עברה as a metaphor, especially since it does not occur in prose. Comp. also Arab. عبرة "tears" from عبر "pass".

²⁴ Field, *Hexapla*, Auctarium *ad loc.* In the body of the book the same reading is credited to some copies of the Septuagint. That Aquila did not read ונהרו, as some commentators maintain, will become evident from a perusal of my *Prolegomena to a Greek-Hebrew and Hebrew-Greek Index to Aquila*, Philadelphia, 1916

²⁵ Preserved also in the Syrohexapla: ונהרין.

²⁶ Septuagint *καὶ σπεύσουσι*.

emotion, or objective, referring to the swift and precipitate flowing of the river.

שפה.

The Hebr. שפה²⁷ is generally compared with Arab. سفا, Syr. שפא, and accordingly rendered "sweep bare". But this designation hardly agrees with the context in which this word occurs. It is enough to point out Is. 13, 2: על הר־נִשְׁפָּה שארנם, where "bare mountain"²⁸ is hardly satisfactory and where we might expect something like "prominent" or "lofty".²⁸

I suggest therefore Arab شفا "rise, appear", as exemplified in the following expressions: شفى الهلال "the moon rose", or شفى الشخص "the bodily figure appeared".²⁹ Accordingly, נִשְׁפָּה would mean "rising, protruding", and consequently "lofty". In the same way Job 33, 21: וְנִשְׁפּוּ עַצְמוֹתָיו לֹא רָאוּ should be translated "and his bones, which had been invisible, will protrude."³⁰

Just as in Arabic the verb شفا gives rise to a substantive شفا meaning "point, extremity"³¹ so also in Hebrew a noun שפי "peak, height" results from the verb. Hence Jer. 3, 2: שִׁאֲרֵי עֵינֶיךָ עַל-שָׁפִים "lift up thine eyes unto peaks", and similarly in the other passages where this noun occurs. Num. 23, 3: וַיֵּלֶךְ שָׁפִי—"and he proceeded mountainward" (or "towards a peak"). In this connection I would like to suggest שָׁפִים for נָשָׂא in Lam. 3, 41: וְנָשָׂא אֶל-אֵל בְּשָׁמַיִם, which, as it stands, hardly makes any sense and compels exegetes to resort to the extraordinary rendering of אֵל "together with". It is

²⁷ Septuagint ἑπ' ὄρους πρυμνοῦ, Syriac שפא טורא.

²⁸ Comp. Ibn Ganah in his *Kitab al-Uṣul* (ed. Neubauer), col. 738: הר גבוה וחלול; Kimhi in his commentary *ad loc.*: נשא וגבוה; and among moderns Luzzatto in his commentary *ad loc.*

²⁹ Lane, *Lexicon*, p. 1574, col. 3.

³⁰ Yahuda (*JQR.*, XV, 712) obtains the same meaning for this passage through the derivation from شَف "be thin, transparent" (of cloth), hence "become visible".

³¹ Lane, *ibid.*, p. 1575, col. 2.

evident from the passage in Numbers quoted above that שפי meant particularly a height upon which people invoked God, since Balaam had gone thither in the hope of meeting God. In the light of this consideration the passage in Lamentations gains additional significance. The woe-stricken Jews are made to say: "Let us lift up our heart unto peaks, unto God in the heavens",³² This establishes a fine parallelism and clarifies the sense of the sentence. The change of ש to כ is not surprising in the ancient Hebrew script, where ש=w and כ=ψ and where the w assumed later the form of ψ minus the lower-shaft.³³

חמק

The root חמק, for which there is still no adequate etymology,³⁴ seems to me to correspond to Arab. خمج "become corrupt in morals, be disorderly or dissolute",³⁵ Thus Jer. 31, 22: עד מתי חמקת הבהת השובבה gains considerably in force when rendered "How long wilt thou be dissolute, O thou backsliding daughter?" A similar meaning may fittingly be applied to Cant. 5, 6: חדודי "and my beloved faltered"³⁷ (i. e. changed his heart)³⁸

³² Comp. the expression אשא עיני אל ההרים מאין יבא עזרי in Ps. 121, 1.

³³ So in the Ipsambul and Abydus inscriptions, see Lidzbarski, *Handbuch der nordsemitischen Epigraphik*, Table XLIV.

³⁴ Commentators generally, following Jewish tradition, construe it as a synonym of עבר.

³⁵ Dozy, *Supplément*, I, 403, col. 2—It appears that خمج is a later development of خمق, both having the primary meaning "be of ill repute, perverse, demented",. Comp. also neo-Syriac חמק in Payne Smith's *Thesaurus*, col. 1308.

³⁶ Among ancient translators Symmachus is the only one who confuses חמק here with עמק.

³⁷ This is exactly the meaning given to خمق by Landberg, *Etudes sur les Dialects de l'Arabie Méridionale*, I, 477 and 566.

³⁸ Gesenius, *Thesaurus*, s. v. חמק, must have been aware of this sense of the word, for he suggests حمق *demens fuit* and compares the expression שנה מעם. It is also significant that in a mediaeval piyyut quoted by Ben Jehuda s. v. (*Thesaurus* or מלון, III, 1629, col. 2) this verb assumes the meaning "be angry".

and became angry",³⁹ adding significance to the following phrase נפשי יצאה בדברו; for there must have been a *causa separationis*, probably even an altercation and exchange of invectives between the lovers before they parted from one another.⁴⁰ Finally, חמוקי ירכיך *ibid* 7.2 would mean "the corrupt parts of thy thighs" (comp. Lat. *corrupta*), hence *pudenda*, which suits very well the order of succession of the bodily parts of Shulamith.

אֵן

Cant. 7, 3 אֵן הַסֶּהֶר might be compared with Arab. جَوْنَة "disc of the sun when setting", derived from جَان "become black"⁴¹. שֶׁהַר = شهر "moon"⁴² despite Haupt who construes it as סֶהֶר in בֵּית הַסֶּהֶר.⁴³ Accordingly, אֵן הַסֶּהֶר is "the disc of the moon", and the phrase שֶׁרֶךְ אֵן הַסֶּהֶר should be rendered thus: "thy navel⁴⁴ is like the disc of the moon when setting", emphasizing the concavity of the navel and the mixture of light and shade caused by its relief. The form אֵן instead of גֵּן should not cause much difficulty, since Arabic too knows اِجْن "become tainted" on the side of جَان "become black", both roots probably going back to a biliteral جֵן.⁴⁵

³⁹ The translation עָבַר "passed" is logically impossible on account of what follows: if her beloved had already passed on, how could her soul fail her when he spoke? That עָבַר may mean "be angry" even in the *qal* is evident from Prov. 26, 17, as pointed out above, note 23.

⁴⁰ With all that it is not impossible that some other phrase was lost, which served to elaborate the motive for the change of heart. The versifiers indeed find this sentence abrupt and defective.

⁴¹ Lane, *Lexicon*, p. 490, col. 3; Dozy, *Supplément*, I, 236, col. 2.

⁴² Comp. شَاءَ—סָחִי etc.

⁴³ *The Book of Canticles*, p. 29. This is essentially the same as the older view that סֶהֶר = roundness, a state of being closed in. It may be interesting to note that Jewish authorities invariably construe it as "moon".

⁴⁴ שֶׁרֶךְ, like Arab سِر, means navel-string and not *vulva*, as maintained by some modern scholars. It was pointed out above that the *pudenda* are implied in חמוקי ירכיך of the preceding verse, and having in mind the strictly progressive description of Shulamith from sole to top שֶׁרֶךְ can only refer to the navel.

⁴⁵ Comp. Nöldeke, *Neue Beiträge zur semitischen Sprachwissenschaft*, p. 109 ff.

It is also interesting to note that both *جان* and *اجن* give rise to substantives signifying some kind of vessel: the former yields *جونة*, which is a synonym of *خابية* "jar", and *جواناء* "a cooking-pot", while the latter yields *اجانة* signifying "an urn" or "amphora". It is these substantives that underlie the *אִנּוֹת* in Ex. 24, 6 and Is. 22, 24. However, while the Arabic nouns refer to an oblong-shaped vessel, the Hebrew *אִנּוֹת* in both passages seem to imply a flat and hollow receptacle, *כלי האִנּוֹת* in Isaiah being opposed to *כלי הנבלים* "jars, pitchers".

אבחה

Both medieval and modern commentators construe *אִבְחַת־חֶרֶב* Ez. 21, 20 either as *טִבַּחַת חֶרֶב* "slaughter of the sword", following the Septuagint *σφάγια ῥομφαίας* and Targum *קטלי חרבא*,⁴⁶ or as *אִבְחַת חֶרֶב*, derived from *בעת* and meaning "terror of the sword", in conformity with Jerome's *conturbationem gladii*.⁴⁷ However, in comparing it with the Arab. *ابهة* "brightness, splendor", derived from *ابى* event. *تابى* "show pride",⁴⁸ we find that the Masoretic text here is superior to any of the conjectures. *אבחה* is simply a synonym of the following *ברק*,⁴⁹ and the phrase *אִבְחַת־חֶרֶב* "brightness of the sword" is a fit parallel to *עשויה לברק* "made for flashing or glittering". It might even be conjectured without any misgivings that the subsequent phrase *אח עשויה לברק* is merely a gloss of the difficult *ח' א' ח' אבחת חרב*: *ח' א'* being the initials

⁴⁶ Medieval commentators justify it on the basis of *א"ט ב"ח*. At one time Friedrich Delitzsch thought he had found an Assyrian *אבח* as synonym of *טבח* (*Zeitschrift für Keilschriftforschung*, II, 395), but he changed his opinion subsequently (comp. Paul Haupt in *SBOT*, *ad loc.*). The fact is that *טבחח* is not likely on account of *טעטה לטבח* at the end of the sentence.

⁴⁷ But as Rashi rightly points out the *n* does not appear to be a radical here. It may be of interest to note that Menaheem ben Saruk, for the lack of any derivation, simply guessed *חריב*.

⁴⁸ Lane, *Lexicon*, p. 10, col. 2. The interchange of *ה* and *ח* in Semitic languages is not unusual, and hardly needs substantiation.

⁴⁹ So Ibn Ganah (*Kitab al-Uṣṣul*, col. 16): *سريق السيف ولمعه*, and Kimhi, *ad loc.*: *להט החרב*.

of the latter⁵⁰ and עשויה לברק an explanation thereof. Like some other glosses in the Book of Ezekiel it subsequently crept into the text.

שמד

Ezek. 34, 16 אֶשְׂמַד אֶרְעָנָה בְּמִשְׁפַּט. Already ancient translators found themselves perplexed in the face of אֶשְׂמַד in its ordinary sense of "I shall destroy", realizing that the context required something akin and parallel to the following אֶרְעָנָה.⁵¹ Hence the Septuagint, the Peshitta, and the Vulgate were forced to read אֶשְׂמֹר, in which reading they are followed by practically all the modern commentators. Comp. however Arab سجد "apply oneself to, tend",⁵² and translate very appropriately "and the fat and the strong I shall tend and feed with judgment".⁵³

חליץ

Ps. 7,5 אִם גַּמְלָתִי שְׁלָמִי רַע וְאַחֲלָצָה צוֹרְרֵי רִיקִם. Unless we assume that 5b is in parenthesis ("rather have I saved mine adversary etc")⁵⁴ וְאַחֲלָצָה, being parallel to גַּמְלָתִי רַע, requires the meaning "despoil, plunder, oppress", so much so that Krochmal, Graetz and Cheyne, following the hint of Symmachus (ἐἰ ἀνῆρπασα), Targum (ודחקית) and Syriac, suggest וְאַלְחָצָה instead of וְאַחֲלָצָה. However, no emendation is necessary, since חליץ here may very well correspond to Arab. غلط "treat roughly, oppress",⁵⁵ which undoubtedly is also the prototype of Aram. חליץ—*exueri, spoliare*.

⁵⁰ This much was already guessed by the ingenious Ehrlich in his *Randglossen ad loc.*

⁵¹ The whole tone of the chapter is reconciliatory, precluding such a drastic measure as "destroy".

⁵² Lane, *Lexicon*, p. 1423, col. 3f.

⁵³ Consequently there is no need whatsoever for eliminating any part of the latter half of the sentence, as Ehrlich and others want it.

⁵⁴ But, as pointed out by Baethgen in his commentary *ad loc.*, such a parenthesis is feasible only where the preceding phrase is further elaborated, as, e. g., in Job 31, 30.

⁵⁵ Comp. Dozy, *Supplément*, II, 222, col. 2.—On the interchange of laryn-

וַי

Job. 30, 5 מְרִנּוּ יָגֶשׁוּ "from the midst they are driven"⁵⁶ is hardly an appropriate parallel to what follows: עֶרְוַן נַחְלִים "cliff of the valleys" and חֹרֵי עֶפֶר "caves of the earth" in the contrast make us expect something wide and plane for וַי. And indeed Arab. جو occurs in the sense of "wide, empty space",⁵⁷ especially as "wide part of a valley," in the *Magma' al-amṭāl*,⁵⁸ where Tarafah, addressing a lark, says:

جلا لك الجو فيضي واصفري

"The wide part of the valley has become vacant for thee; so lay thine eggs and whistle." Applied to the passage in question we should translate thus: "They will be driven from the wide part of the valley. . . .⁵⁹ to dwell in the cliffs of the valleys, in caves of the earth, and in the rocks".

gals in the Semitic languages comp. Brockelmann, *Grundriss der vergleichenden Grammatik der Semitischen Sprachen*, I, 123 ff. Very instructive are equations like the following: קרח = قرع "be bald", חֶשֶׁק = عشق "passionate love", etc.

Comp. also within Arabic كَفَر = حَفَر = غَفَر = cover, protect.

⁵⁶ Construing וַי as an Aramaism. Another rendering is "community", derived from the same meaning.

⁵⁷ Dozy, *Supplément*, I, 229, col. 2. Especially interesting here is the quotation from the Medina dialect, where, according to Burton, جو signifies "city" in opposition to بَرْ "suburb".

⁵⁸ ed. Freytag, I, 432.

⁵⁹ Where men generally congregate and settle, hence city, comp. Ibn Ezra מן קרב עיר, and Rashi מן קרב בני אדם.

THE DEVELOPMENT OF THE APOSTOLATE IN JUDAISM AND ITS TRANSFORMATION IN CHRISTIANITY

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THE ORIGIN AND THE DEVELOPMENT of the apostolate in Judaism has already been investigated by me in the *Monatsschrift für die Geschichte und Wissenschaft des Judentums*, 1905. We were able to establish the fact that the apostolate was derived from the juridical concept of the plenipotentiary (an authorized agent or representative) and to define its function as a form of teacher's office which was not exercised at the seat of the board of authority by whom it was appointed. We were also in a position to prove the existence of this office as early as at the time of the composition of the Books of Chronicles. Two categories of apostles could be ascertained, viz. (1) apostles (שליחים) of the central authorities to the various communities, and (2) apostles of the communities to the various central authorities. The transformation of the office in Christianity by Paul could only be alluded to briefly.

However, in addition to a number of supplementary data and statements on that study, the following questions in particular render a renewed investigation of the entire subject imperative. Can the institution of the apostles (שליחים) be proved to have existed before the time of the Books of Chronicles and beyond? Does it have its origin in the private legal situation of the plenipotentiary or authorized representative, or is its origin rather to be looked for in an institution of public law? What significance do the apostles of the communities have? How, and in what respects, are the apostles different from the

other classes to whose lot there fell the task of teaching and instructing the people, viz. the prophets and the teachers? And finally, what was the course of the development of the apostolate in Judaism and in early Christianity at the time of and subsequent to the latter's breaking away from Judaism? A discussion of all these problems, which will take us into New Testament times, is undeniably necessary, because even Harnack, in his book *Verfassung und Recht der alten Kirche*,¹ does not describe the concept of the apostle exactly and accurately, and due to this fact he arrives at erroneous conclusions. A discussion of this subject will be quite instructive, because it will show how early Christianity, even after its separation from Judaism, was still bound up internally and externally with this religion.

I.

The Elephantine papyri take us back approximately a hundred years earlier than do the Books of Chronicles. One of the numerous surprises which were occasioned by the discovery of these papyri was the Pesach epistle of Darius II, dating from the year 419 B. C. The bearer of this letter was Hananiah, who tarried in Egypt in an authoritative state position, as is confirmed by another papyrus (13494). As a result of this Pesach epistle, therefore, Edward Meyer's conception that Judaism, in a formal sense, is a creation of the Persian empire, has again received its confirmation. The Jewish religion in the Persian empire was an official religion, or, more accurately, the Established Church, for all Jews. Its organization was regulated by the state, and it was closely dependent upon the Persian state regulations and institutions, or else it can be explained only on the ground of these state regulations, inasmuch as the affairs of the Jews, their religious ones included, were Persian state affairs. Accordingly, Hananiah is the plenipotentiary (representative) of the king, his שליח.

The establishment of this fact carries us back about forty years still earlier and, for the first time, sheds a clear light

¹ Leipzig, 1910.

upon the character of Ezra's mission and position. His commission and his authorization respectively are mentioned in Ezra 7: 12ff. He is sent out as a שליח by the king and his seven counsellors with the threefold authorization and task, viz.: (1) לבקרה על יהוד וירושלים בדת אלהך; (2) להיבלה כסף וזהב and (3) מני שפטין ודינין. The word שליח which is mentioned in 7:14 is not as yet employed in this passage, as it is in the later period, as a noun with an exact terminological significance but it is here used as a verbal form. On the other hand, however the verb שלח already in this passage is employed in a quite pregnant and significant meaning, as we find it to be the case in II Chronicles 17:7². Ezra's authority is clearly described and defined and is in exact conformity with the definition of the concept of the apostolate such as we know it in Judaism, inasmuch as the authorization is not valid for the seat of the commissioning board of authorities—in this case the king—but applies to a definitely limited and described district lying outside of the seat of the authorizing authority, and, in addition, it assigns to the representative a fixed and definite circle of activities. Ezra's authority expired with the completion of the three-fold task which had been assigned to him. It is probably owing, not only to the fragmentary character of the Book of Ezra, but also above all, to this circumstance, that we hear no more regarding Ezra's further activity after the appointment of the commission (Ezra 10:14ff.). For Ezra no longer carried on his subsequent activities as the שליח (commissary) of the king, but merely and exclusively as a member and as the presumable presiding officer of this commission. No state executive power was given over to Ezra. The governor of the kingdom and his officials remained in office, while Ezra had a definitely determined and limited commission to carry out within the limits of their sphere of office.

Of a different character entirely is the mission of Nehemiah who was sent away to Judea by the great king as a governor³, and not like Ezra and Hananiah as a Persian state commissary with

² *M. G. W. J.* 49, p. 429f.

³ Nehemiah 2: 5ff., 18; 5:14f.; 8:9; 10:2.

a quite well defined and limited mission. It may be inferred, however, that this self-same official mode of expression is customarily employed likewise for this office, at least in the earliest times. In Nehemiah's case likewise the verb שלח is used (Nehemiah 2:5f.). This verb, however, by no means has the significance of "to give a leave of absence". Rather the verb which is always employed in the meaning of "to grant a leave of absence" is שלח (Piel), and essentially, likewise, we are not concerned here with a leave of absence on the part of Nehemiah, but with his temporary employment in another office. Such an employment would presuppose a leave of absence if it were consummated through an authoritative magistracy. Inasmuch as this employment of the man in another section was ordered by the same authority—the king—, it is clear that here we are concerned with Nehemiah's entrustment of another commission, that of the rebuilding of Jerusalem⁴ and, manifestly, the regulation of the conditions prevailing in that place. For this purpose the verb שלח is the correct expression, and thus it is employed in this passage. However, it must be admitted that in later times the conferring of a regular office would, in all likelihood, hardly be designated by this word. But it is just this fact which indicates that the occurrence which we are discussing took place at a time in which the terminology of offices and duties had just been formed and was still in its initial state. Latin and Greek usages are productive of the same results in an entirely similar manner. The words "legatus" and "ἀπόστολος" with their quite definitely determined military significance point to older times, in which the one who held this office was designated as an ambassador. The Latin term "legatus" still retained the exact original sense of the word in its diplomatic significance.⁵

⁴ Nehemiah 2:5.

⁵ On this point see Mommsen, *Römisches Staatsrecht*, II, 13, p. 676, 683. Those persons who at the time being were functioning as officials or as officers could not take over an embassy at the same time. Of great interest is Mommsen's observation that in Latin it was not a substantive, but a participle, which was employed in the sense discussed, and yet this participle gradually assumed a substantivative significance. In Hebrew this

The report of the Book of Esther concerning the missives by means of which the queen and the leading statesmen announced to the Jews of the entire kingdom the institution of the Feast of Purim⁶ is in exact agreement with the Pesach epistle of Darius II, whose authorized bearer Hananiah was. It is of no consequence when the book was composed or to what period it owes its origin, this much is definitely established, that the book correctly retains the atmosphere and color of the Persian period. Similarly, the second Book of the Maccabees too contains two introductions in the form of missives concerning the celebration of the Festival of Chanukkah, the bearers of which we must believe to have been, not subordinate messengers, but fully authorized carriers.

All these considerations find their confirmation as the result of the investigation of the report of Chronicles concerning Hezekiah's attempts at influencing the remnants of the population of the kingdom of Israel (II Chron., 30). The terminology employed in this chapter shows clearly the intentional and thoroughly conscious differentiation between authorized messengers and the "runners" who carried Hezekiah's letters. These "runners" are nothing more than couriers; hence, they are what might be called more or less subordinated officials, who merely had the task of transmitting to the provinces the edicts and proclamations of the king, of which many copies in the writing were made. We meet with this same office in Esther 3:13, 15; 8:10, 14. The text in Esther 3:15, but even more particularly that in Esther 8:14, shows that we are here concerned with couriers of the Persian empire's official mail service, whose task consisted exclusively in the transmission of edicts to the satraps and to the other officials of the provinces, but not with state commissaries who were themselves entrusted with the

fact does not appear with the same degree of clarity for this reason, because the nominal formation שלח has a participial (verbal adjectival) significance as well as a substantive meaning. At any rate, the same development can clearly be observed and followed throughout in both cases, because the older terminology employs the verb—and not the noun—exclusively, and the form שלח, even in the passage in Ezra, is manifestly a verbal form.

⁶ Esther 9:20ff., 30f.

independent execution of the commissions and tasks which were assigned to them in their documents of authorization. The wording of II Chron., 30:1: **וּגַם אֲנֻרוֹת כָּתַב עַל אֲפָרַיִם וּמְנַשֶּׁה**, clearly distinguishes this embassy or mission from the one which immediately precedes it in the verse and which is designated by the term **וַיִּשְׁלַח**. In this instance the verb is employed in the absolute sense, without an object, i. e., in a pregnant manner, in the significance of *ἀποστέλλειν*, viz. to send out with full authority. In the second part of the verse it is not so much the official but rather the letter or writing itself which is the bearer of the king's will.

In the kingdom of Judah authorized officials are on the road. They were selected, not from the fixed number of regular provincial officials, but from the king's retinue or immediate associates. Their commission was not concerned merely with the transmission of the edict, but they were rather special commissaries who had to direct the actual course of the execution of the king's edict. In conjunction herewith it may be presupposed that the officials in the province were directed to support and aid the activities of these commissaries, who represented the central government in this task which they were assigned to.⁷

On the contrary, however, in the territory of the former kingdom of Israel, no manner of governmental authorization or authority at all fell to the lot of the king. Hence the sending out of royal commissaries was not possible from a legal point of view in the state, and even if one could have found the means of surmounting this difficulty or of doing away with all doubts and scruples in connection therewith, it was unfeasible from a political point of view. For the Assyrian provincial government which functioned in the territory of the former kingdom of Israel would have regarded such a measure as an inadmissible and intolerable interference on the part of a foreign government with the affairs of the Assyrian empire, and would have perceived therein either an encroachment or political machinations on the part of the Judean vassal-king. The consequence of

⁷ Cp. Ezra 7:21.

such a step would have been the repelling of this encroachment and inevitable political complications with the Assyrian liege lord. The wording of the embassy is quite clearly suitable to the remnant of Israel; to be sure, likewise, the interpretation of the message and its application to Judah (i. e., to the southern kingdom) is not altogether impossible.

Moreover, verse 10 of ch. 30 contains an explicit report to the effect that the couriers passed from city to city in the territory of Ephraim and Menasseh as far as Zebulun. Accordingly, this verse seems to indicate clearly that the couriers are to be considered as bearers of the message only for the remnant of Israel, and not for Judah. In accordance with this theory we would be justified in construing the term *וישלח* which is found in v. 1, as a designation for another class, i. e., for fully authorized commissaries for the territory of the kingdom of Judah. Of course it must be admitted that several difficulties stand in the way of this interpretation. Already in v. 6 it is reported, in contradiction to the contents of v. 10, that the couriers went *ויחזקיהו על כל ישראל ויהודה*, and in v. 1 likewise the statement is made: *וישלח יחזקיהו על כל ישראל ויהודה*:

However, it is evident from v. 1, if we are to regard it as at all clear, that we are here concerned with a formular mode of expression which found its way into the text by reason of the carelessness of the copyist or as a gloss on the part of a reader. For by the phrase *וגם אנרות כתב על אפרים ומנשה* the narrator clearly brings out the point that something new, something which is quite different from the term *וישלח*, is being reported. It would be a meaningless tautology if the narrator would have wished to report the sending out of one and the same kind of an embassy by means of two such different expressions. And even if one were to be willing to assume such awkwardness on the part of the composer, the wording of the text itself would militate decidedly against such an assumption. For if the author had intended to say the same thing over again in different words, he would have had to speak not only of letters to Ephraim and Menasseh, but also of missives to Judah. The fact, however, that he represents the written message as being directed only to Ephraim and Menasseh proves that this kind of message

is to be distinguished from the previously mentioned kind. As a further proof it may be stated that the word **וּגַם** would be altogether out of place and quite impossible if a case of **ἐπεὶ δὲ** **ἐπεὶ** were intended by the author, because the word **וּגַם** can introduce only a new topic or a new matter.

These considerations, therefore, impell us to the logical conclusion that the words **כָּל יִשְׂרָאֵל** in v. 1, are to be eliminated from the text. In accordance herewith the verse reads as follows: **וַיִּשְׁלַח יְחִזְקִיָּהוּ עַל יְהוּדָה וְגַם אֲנָרוֹת כָּתַב עַל אַפְרַיִם וּמְנַשֶּׁה**: In v. 6, in thorough accordance with the sense, the reading should be as follows: **וַיֵּלְכוּ הָרָצִים בְּאֲנָרוֹת... בְּכָל יִשְׂרָאֵל**, while the word **וַיְהוּדָה** has been added to the text in a purely formular manner. The reason for this is the following, because the expression **כָּל יִשְׂרָאֵל וַיְהוּדָה** is so frequently employed and is such a well-known formula that its insertion even in a passage where it is out of place or where it has no connection with the context does not appear to be striking or unusual. Nothing can be deduced from the expression **וְעַד דִּן שִׁבְעָה מֵבָאֵר**, because the narrator in actuality is reporting concerning a message of Hezekiah to Judah and Israel, and in this passage it was not a question of establishing the fact of the dissimilarity of the method of transmission, but only of confirming the fact of the embassy itself.

Accordingly, the Persian state commissaries were the pattern, the model, for the apostles, the commissaries of the religious administrative authorities at Jerusalem. So far as the statement can be made with reference to the conditions and circumstances of the Persian empire, we are well informed concerning this institution which was of great significance in the Persian empire. Among the Greeks we seemingly do not find it at all, presumably because in Greece the extent of the individual states or of the state system as a whole was not very great. Among the Romans there may be compared with it first the dictatorship of earlier times, which dictatorship was established with a definitely determined commission, and second the institution of the decemvirate, which came into existence upon one occasion. Again, the emissary counts (*missi*) of

the Carolingian empire are on a par, from a politically legal point of view, with the Persian institution.

This institution of the Persian state government, which had become so effective and significant in the beginnings of the rebuilding of the Jewish communal system, was simply taken over by the religious administration in Jerusalem. This took place spontaneously, the more so because the religious and the political administrations went hand in hand with each other or were even closely bound up the one with the other. With this explanation there is automatically settled the following question, whether or not the private law institution of the plenipotentiary or authorized representative was perhaps the source and root of the apostolate. For the question as to the source from which the state commissary system in the Persian empire developed is not a part of our subject of investigation. *while in Judaism the Apostolate was taken over from the Persian State Administration.*

The document which contained the authorization for full empowering of the commissary who was sent out by the chief authorities was called *אגרת של רשות*⁸. In the Bible the additional form *רשיון* is employed as a designation for the writ of full authority which was granted by the Persian great kings.⁹ In the New Testament the term *ἐξουσία* corresponds exactly to the word *רשות*. Thus, e. g. in B. Sanh. 5a, the word *רשות*

⁸ Mishna M. K. 3:3.

⁹ Ezra 3:7: *כרשיון כורש מלך פרס עליהם*. In earlier times the reading of the word in the absolute was *רשיון*, but for the later period the assumption of an absolute state form *רשיון* is possible, as is shown by the form *וקרון* which is found in Ecclesiastes. Likewise the Mishnaic term *רשות* "authority" is self-evidently nothing else. The derivation of the word *רשיון* from *ראש*, which is given by Musafja, as well as by Levy and Kohut, who follow him, is false. In this case, too, we are dealing with nothing other than the word *רשות*. It is questionable whether the vocalization *רשות* is at all justified.

At all hazards, this is quite possible on linguistical grounds, and it is entirely conceivable that it was employed for the purpose of differentiating it from the word *רשות*, even though the supposition is not to be regarded as unjustified that this differentiation was not carried over into the texts until a later period.

and the corresponding Aramaic רשות are the technical terms for the ordination of a scholar as a teacher and judge. Of great interest is the fact that the Mishnaic term אגרה של רשות was already misunderstood by the Talmud Jerushalmi¹⁰, and that the overwhelming number of the later Rabbinic commentators and expounders adhered to this mistaken interpretation. The Gaonim, on the other hand, among whom this granting of writs of authorization was still a living institution, give the correct explanation of the term.¹¹ The text of a writ of attestation (credentials) dating from the Talmudic period is quoted in *M. G. W. J.* 45, p. 435, note 2. The text of such a writ of full authority dating from Gaonic times has likewise been handed down to us.¹²

II.

Offices and designations of offices have their own history, and the changed significance of a designation for an office, especially when it is in agreement with a prevailing general view, often places difficulties in the way of the understanding of the beginnings of an institution which, however, can be recognized and understood only through an unbiased consideration of its historical development. Whether the apostolate in Christianity was an office or a charismatic institution cannot be decided on purely theoretical grounds, nor can this question be solved on the basis of the conception of the institution within the Church and from the organization of the Church itself. On the contrary, the forgoing problem can be decided solely on the ground of the historical course and the historical development of the institution. No matter how enticing and alluring

¹⁰ Jer. M. K. 82a, 62; שאלה שלום, i. e., of politeness, of friendship, and the like, hence an unessential private letter. That this interpretation of the term is false is proved by the context. Throughout the passage mention is made only by documents, but not of private letters. And whereas the Mishna at the beginning makes mention of private documents, subsequently it enumerates official documents.

¹¹ Hal. Gedol. ed. Hildesheimer § 456, p. 203, פתקי דרשותא; Eshkol, II, 158, פתקי דריינוחא; Shibbole ha-leket, ed. Buber, § 225, דדנוחא; Harkavy, זכרון לראשונים, IV, § 180, דריאנוחא.

¹² זכרון לראשונים, l. c., cp. Harkavy's remarks *ibid.*, p. 355.

are Sohm's deductions and conclusions in his "*Wesen und Ursprung des Katholizismus*"¹³, nevertheless they do but scant justice to the origin of the institutions. The picture which presents itself to us is changed quite essentially when one takes into consideration the gradual process of becoming of, as well as the changes in, the offices or institutions and the connection thereof with Judaism, and then their separation from Judaism.

The same statement applies to Harnack's conception of the entire subject. He calls the apostles, prophets, and teachers charismatic persons, "that is, their occupation or calling rests upon a communication of the spirit, which for them is a constant possession, and is valid for the whole Church in an ideal sense. However, their charismatic character does not exclude the necessity that their mandate must be recognized and tested respectively by the community"¹⁴. This conception likewise is conditioned by the point of view of a later period which was no longer in a position to follow the process of the growth and the development of the institution, but which considered the institution from a theoretical standpoint such as it had turned out to be at that time. Harnack himself has established the fact that the apostle appears to have needed an especial commission for each and every missionary pilgrimage, that after the expiration of the commission he is a teacher or a prophet, and that likewise the commission is valid only for a definite and limited district or for a definite and limited circle of people. Hence these correct observations must undoubtedly lead us to the following decision or conclusion that the charismatic feature of the apostolate originally is not the missionary task of the apostles, but their authorized sending to a definite and limited district and for a definite and limited time, and that the apostolate of the early Church, despite the essential changes which it underwent within such a brief period of time, must be understood from a historical point of view as having developed out of the Jewish apostolate.

¹³ *Abhandlungen der sächs Akad. d. Wissensch.*, Philos.-histor. Klasse, Vol. 27, Leipzig, 1909.

¹⁴ Harnack, *Entstehung und Entwicklung der Kirchenverfassung und des Kirchenrechts in den zwei ersten Jahrhunderten*, Leipzig, 1910, page 19.

Of course, the recognition of this fact must lead to the further conclusion that the terminology of the early Christian church is to be understood as a historical development from Judaism. For no matter how justified is Sohm's differentiation between the Church in the purely religious sense and the ecclesiastical constitution and organization, none the less the fact remains that each and every religion made its appearance as a community, as the communal expression of a similar or even of the same spirit of religiousness on the part of the individual confessors of the faith, and each and every form of community life must have organization, or at least, certain institutions. These institutions derive their own peculiar impress from the character of the religious organization, but in their genesis and in their original form they depend for the origin of the religious organization upon what is in existence and in evidence at the time. The question may well be propounded as to whether the institutions in early Christianity were taken over from Judaism or from pagan Hellenism. Every conclusion regarding this problem which is founded on purely theoretical grounds, and every one-sided decision, is bound to be mistaken. In each and every individual case a historical investigation of the question is absolutely indispensable and essential.

Such an investigation, however, will not at all yield the conclusion, as Sohm, and following him E. Haupt, believe, that in the apostolic period legal and judicial forms of the Church were not in evidence generally.¹⁵ On the contrary, the struggle of Paul in behalf of the apostolate is indicative rather of the existence of such legal forms. The application of the religious concept of the Church to the visible Church, thus, the ecclesiastical organization, and the unconscious identification of these two concepts will no doubt lead to the conclusion that a legal formation of its own was excluded. The need for its own peculiar legal and judicial regulations made itself felt only to a very small degree within the

¹⁵ Sohm, l. c. p. 26ff.; E. Haupt, *Zum Verstaendnis des Apostolats im Neuen Testament*, Halle, 1896, p. 126.

Christian community, because "Palestinian Christianity externally still remained within the confines of Judaism, and therefore continued to adhere to the legal regulations of this religion"¹⁶ In view of this conclusion which he himself formulated, it is not quite intelligible how Haupt could possibly have come to the strict denial of the transference of the earlier technical significance of the word "apostle" in Judaism to the New Testament employment of the term¹⁷. The explanation hereof is similar to that of many a misconception and misunderstanding which appears in the most recent and very meritorious treatment of the question of the apostolate by Roland Schuetz,¹⁸ Schuetz himself correctly rejects the view in its totality as the primary consideration, because, as he says, this is an unallowable starting-point for the putting of an empirically historical question. Rather does he demand, first and foremost, the clarification of the concept and the literary and historical investigation of each individual detail, before the view in its totality may be put forward.¹⁹

However, Schuetz prevents himself from obtaining the correct conception and from drawing the correct conclusions regarding the historical development of the apostolate because of his erroneous view that the essential characteristic and mark of the apostle of the pre-Christian period is a mission or a commission which proceeds from God, and that messengers or prophets are the instruments of its execution.²⁰ Furthermore, the fact that Schuetz proceeds from the concept of the apostle as found with Paul and which Paul for the first time succeeded in bringing to recognition and predominance by reason of his victorious struggle against the other apostles, is an error in method, because by adopting this method of procedure he has, in opposition to his own requirements, conducted the investigation of the problem along analytical lines and not along the lines of its genesis and origin. Rather are we to adhere to

¹⁶ Haupt, *ibidem*.

¹⁷ *Ibid.*, p. 107.

¹⁸ Roland Schuetz, *Apostel und Juenger*, Giessen, 1921.

¹⁹ *Ibid.*, p. 7.

²⁰ *Ibid.*, p. 9.

this conclusion, that the word שלח as referring to the prophet—it is remarkable that the noun שליח never occurs in this connection—has a considerably different significance than when it is applied to the plenipotentaries (representatives, ἀπόστολοι) who were sent out by a board of authorities, whether it be by the central authorities or by the communities.²¹ Similarly, unconditional heed and attention must be paid likewise to the ambiguity of the term as employed in the New Testament, as well as to the close connection of the pre-Paulinian apostolate with the Jewish apostolic concept and to the radical and thorough-going change which the apostolic concept experienced in Christianity as the result of the triumph of the claim which was championed by Paul.

Schuetz points out the fact that the title of apostle found its way from the Book of Luke into the Books of Matthew and Mark. So the twelve are called μαθηταί throughout. The concept of the disciples is the more extensive and comprehensive one.²² It corresponds exactly to the Talmudic חלמיד. But these תלמידים not only sat at the feet of their teachers, but they were also closely associated with them in an intimate community of life and activity.²³ In this respect as well as in many other respects, there exists a far-reaching and thorough going agreement between the nature and conduct of the school system of the Judaism of those days and that of Greek philosophy.

²¹ Krauss, *J. Q. R.*, 17, p. 371; Vogelstein, *M. G. W. J.* 45, p. 430. The error is already present in the incorrect rendering of the word שליח by the word "messenger" instead of by the word "plenipotentiary". Furthermore, especial mention may be made of the fact that in *M. G. W. J.*, 45, p. 429, I have emphasized expressly the distinction existing in linguistical usage between the phrase שלח שליח, "to send out a messenger", and the phrase עשה שליח "to appoint a plenipotentiary".

²² Schuetz, l. c. p. 68.

²³ Hence the expression שמש הרב, which is equivalent to "to be somebody's disciple". The passage in B. Ber. 47b is characteristic of this use of the term. Here somebody who had learned, to be sure, Bible and Talmud, but ולא שמש, i. e., who had therefore not enjoyed the personal association with the learned teachers, and had not been associated with them in a community of life and interest, is designated as an Am ha'areš; cp. B. Soṭah, 21b, bottom; Abot de Rabbi Nathan, 36, at the end; cp. also Dobschuetz, *Probleme des apostolischen Zeitalters*, p. 30.

Accordingly, it is altogether in keeping with Jewish custom that the narrow circle which surrounded Jesus, that is to say the Twelve, bears the designation of "disciples". Schuetz is altogether correct in his demand for a sharp conceptual differentiation between apostles and disciples,²⁴ and yet this differentiation is not to be made in its entirety according to the sense in which he understands it. We are rather to adhere to the belief that learned men (scholars) from the narrow circle of associates of the Patriarch were constantly commissioned as apostles. Accordingly, the apostles received their call from the circle of the disciples, from the narrower circle of Jesus' associates. In this connection it is altogether conceivable that the one source strongly accentuates the concept of the disciples, while the other one emphasizes the apostolic calling, and even proceeds therefrom, because the apostolic calling is limited and clearly defined by time and space, and above all, with respect to its content,²⁵ whereas the nature and quality of the disciples is permanent.

According to the description of the Synoptic Gospels, these twelve disciples were appointed or commissioned as apostles by Jesus. Schuetz correctly criticises the "rather awkward" expression ἐποίησε.²⁶ And yet it is just this awkward and clumsy mode of expression which indicates that Mark had the consciousness of the twelve-fold apostolate. For here the indication is quite apparent that the Hebrew expression, and together with it, the Jewish institution, was taken over from Judaism into Christianity. The phrase ἀπόστολον ποιεῖν is the literal translation of the Hebrew expression עשה שליח, which in all cases has the significance of "to appoint as a plenipotentiary (an authorized representative)".²⁷ All attempts to explain this word ποιεῖν (to make) will be unavailing, if one does not go back to the Hebrew subject at discussion, that is to say, to the Hebrew terminology. The agreement is rendered all the more distinct and clear by reason of the fact that the text in

²⁴ L. c., p. 15.

²⁵ M. G. W. J., 49, p. 429 ff.

²⁶ L. c. p. 67.

²⁷ M. G. W. J., 1 c.

Mark employs the verb ἐποίησε in a pregnant manner, that is to say, without the internal object ἀποστόλους, which word is rather to be supplied out of the following expression καὶ ἵνα ἀποστέλλῃ αὐτούς. That which Schuetz deduces, and in this he is of course dependent upon Wellhausen, concerning the ingress of the title of apostle into Matthew and Mark from Luke, are observations which, from a purely literary point of view, are not incorrect, but they show the insufficiency and inadequacy of literary criticism. Even Matthew, and Mark in particular, contain the concept of the apostle, even though not the noun, but only the verb, is employed.

The passage quoted from Mark is indicative rather of the fact that the Jewish concept of the apostle here lies in a clearness at the bottom of the concept as found in the New Testament. Jesus accepts the twelve as his disciples and intimate associates, and likewise for the purpose of sending them out as authorized representatives. This corresponds exactly to the Jewish apostolate, for which the intimate group of associates which formed (the master's) inner environment were drawn upon and utilized. The passage even requires, or at least admits, the interpretation that the sending out here referred to did not become valid once and for all time, but that Jesus always had the twelve near his person, so that he could send them out whenever the necessity arose, in which case their general power of authority was forthwith rewritten and altered to conform to each new mission. No mention is made in the Synoptic Gospels of an apostolic college formed by the twelve disciples, nor of the fact that they were sent out on their missions simultaneously,²⁸ but only of the fact that they were given their plenipotentiary powers at the same time, while Mark 6:7 contains the explicit report that they were sent out on their missions in groups of two, entirely according to the Jewish apostles. Just as, in accordance with the description of the Synoptic Gospels, the sending out of Jesus was directed only to the lost sheep of the house of Israel,²⁹ so,

²⁸ Cp. Edward Meyer, *Ursprung und Anfänge des Christentums*, I, p. 133f., and the corresponding counter-observation found in Schuetz, l. c. p. 69f.

²⁹ Matthew 15:24.

according to the principle οὐδὲ ἀπόστολος μείζων τοῦ πέμψαντος αὐτόν, which agrees almost word for word with the Talmudic principle that the full authority of the *חל"ה* can never extend beyond that of the one who commissioned him,³⁰ the warning was given to the apostles not to go into the way of the Gentiles (heathens), and not to enter into any city of the Samaritans.³¹

If, as we have seen, these intimate disciples are primarily the fully authorized messengers of the master, none the less, after the death of Jesus, there takes place a change which dominates even the presentation of his life by the Synoptic Gospels. To the Synoptic Gospels Jesus is no longer merely the master, but he is the religious head, the head of the Church. The necessity arose of providing or creating for the Church likewise at that time a chief head, or a chief board of authorities, and naturally this board could consist only of the fully authorized disciples who had been appointed by Jesus himself.

The transformation which the concept of the apostle underwent as the result hereof, a change which, for its part, had a retroactive effect upon the conception and presentation of the previous period can be regarded as a four-fold one. First and foremost, there developed a predilection for employing the name of apostle as a designation for this new leader of the Church, instead of the name of disciple which had been customary in previous times. The result of this first change was that, from a commission which was limited and restricted in time, the apostolate became a lifelong office. Furthermore, the apostles ceased to be mere fully authorized messengers who did not carry on their activities at the seat of the board of authorities which sent them out.³² For now their task as members of an ecclesiastical central board of authorities rather required their presence at the seat of the Church in Jerusalem. In this connection the statement in the Acts of the Apostles, to the effect that Jesus himself forbade the apostles to leave Jerusalem³³

³⁰ John, 13:16; cp. B. Ket. 99b.

³¹ Matthew 10:7.

³² *M. G. W. J.*, 49, p. 430.

³³ Acts, 1:4.

is exceedingly characteristic of this change. The apostles appear in Acts as such a leading board of authorities.³⁴ The fourth change which is associated with this subject of the apostles is the formation of the college of the apostles or, more correctly, the conception of the apostolate as a collegiate board of authorities. For this subject the following fact is characteristic, i. e., that in the entire New Testament, with the sole exception of the introductory verses of the two Epistles of Peter, no individual one of these twelve is called an "apostle" in any passage whatsoever. Only in their collectiveness as a college they are called apostles.³⁵ The three last mentioned considerations clearly indicate the transformation and recasting of the Jewish apostolate in early Christianity, a recasting and a change which is conditioned by the death of the founder and head of the new Church. It is only in this sense, but not in the sense in which he himself intended it, that Schuetz's observation to the effect that "the cross of Jesus stands between the disciples and the apostles"³⁶ is appropriate.

The critical question as to the historicity of the number twelve is not of especially decisive significance for our investigation. Of essential import is only that the symbolical number twelve attained to significance at a very early period, still before the apostleship of Paul, so that it was thought that the college which had presumably become incomplete as the result of the retirement of Judas Iscariot was in need of completion or supplementation. Of course the legal question necessarily had to come up as to who was entitled to be chosen for the replacement of the twelfth member. According to Jewish law, the שליח has the privilege of naming a plenipotentiary of his own accord, a representative who is provided with the same full authority as he himself had for the fulfillment of his legal commission or business. Accordingly, the task of choosing the new member could have been conceived to devolve upon the then incomplete college of apostles. Nevertheless, the

³⁴ See especially Acts 15: 2, 4, 6, 22, 23: οἱ ἀπόστολοι καὶ οἱ πρεσβύτεροι.

³⁵ Wellhausen, *Noten zur Apostelgeschichte*, p. 6; Schuetz, l. c., p. 76.

³⁶ Schuetz, l. c., p. 76.

appropriateness of this method must necessarily have appeared to be doubtful, inasmuch as the authority of the member who would be elected in this manner could hardly have been considered as on par with that of the other apostles.

Another method was to have the choosing performed by the community of Jerusalem. But even against this method doubts and scruples made themselves manifest, because the community was the body, but not the head of the Church. The wording of the report, as contained in Acts, 1:23: *καὶ ἔστησαν δύο*, would not by itself necessitate a sole and absolute determination of the matter. However, the word *συγκατεψηφίσθη* in v. 25 requires that the passage be explained as referring to the community, whose incomplete and deficient legal basis for entitling it to exercise its choice is made up for by reason of God's help. Thus at this very moment the community, which was enlightened and directed by God, represents the head of the Church. From the report the following unambiguous fact is clearly apparent, that, according to the conception of the early apostles and of the early community, the completion of the college of the apostles does not take place as the result of a divine appeal, but quite in the sense of the Jewish apostolic concept, i. e., by means of the choosing of those who are authorized to be chosen for this purpose. Only the choice between two candidates of equal merit and worth is relegated to a divine decision by means of the lot. That this is true is clear from the following circumstance, that they did not have the lot decided between all *τῶν συνελθόντων ἡμῖν ἀνδρῶν ἐν παντὶ χρόνῳ κτλ* but only when on their part, *ἔστησαν δύο*, i. e., when they put forward independently both of the two men who, in their opinion, appeared to be suitable for the office. The prerequisite for eligibility to this office was the constant personal relationship, the community of life and interest with Jesus, as his disciple during the entire course of his life, beginning with the time when he was baptized by John until the day *ἧς ἀνελήφθη ἀφ' ἡμῶν*.³⁷

³⁷ Inasmuch as the twelve were not witnesses of Jesus' baptism by John, three interpretations of this passage are possible, viz: (1). The limits of the time are here stated; according to this explanation such a person would be eligible to a call as apostle who was Jesus' disciple throughout his activities,

One may have a reasonable doubt as to whether this act of witnessing on the part of the disciples was originally regarded as the purpose of their calling as apostles, or whether it was looked upon only as the indispensable prerequisite therefore. If the personal witnessing of the resurrection was actually the content of the apostolic calling, then the apostolate would have had to become extinct with the death of the immediate disciples of Jesus.

There was still a third possibility for the selection as apostle, a method which manifestly lay outside of the sphere of knowledge of those who were assembled together at that time but which later became of far-reaching significance. Early Christianity in its entirety had adopted and is based upon the conception that Jesus had been resurrected after the crucifixion, and that therefore he had not actually died. The apostles were supposed to have been the witnesses of his resurrection. Since, in accordance with this view, Jesus was still living, it would have been conceivable that he himself, therefore the head of the Church had authorized the appointment of the twelfth apostle as an associate of the other eleven. From the point of view of the history of religion it is of especially particular interest to establish the fact that such a conception of the apostolic calling was very remote from the community at Jerusalem and from the early apostles. This is the great change or turning point which was brought about by Paul and which fundamentally as well as in its effects, extended far beyond the office of apostle.

This apostolic college, whose number had been completed in such a manner, claimed the highest degree of authority. Its members, to whom the secret things had been entrusted by Jesus himself, had to be the sole authorized interpreters, the teachers of the community. They have likewise, the sole monopoly of transmitting the spirit. Thus Peter and John are sent out from Jerusalem to Samaria, so that they may recover there

but not necessarily throughout the entire time of his life. (2). ἀπὸ τοῦ βαπτίσματος Ἰωάννου designates the *terminus a quo* in the sense that it excludes the time before the baptism by John. (3). This privilege is "a seal which was established for the first time in tradition" (Schuetz, l. c., p. 82).

the transference of the spirit.³⁸ This authority was necessary with regard to the wild wandering preachers and all the other apostles.

For the New Testament and early Christianity know of still other apostles in addition to the twelve—and in addition to Paul—, and this feature corresponds exactly with the Jewish apostolic concept. From a legal standpoint it is altogether immaterial by whom the שליח is sent out. The name of apostle does not confer an absolute position, but it merely determines his relationship to the one who assigned him his commission. According to the greater or the lesser legal position of the latter, the שליח is entitled to more narrow or to more ample powers of authority. In addition to the apostles of the religious central board of authorities, there were in Judaism also apostles of the individual communities. We meet with this same institution in early Christianity as the ἀπόστολοι ἐκκλησιῶν.³⁹ In conformity with the generally valid principle that the collection and administration of public funds is not to be managed by one person alone, these community apostles, whose task, first and foremost, consisted in the bringing in of the temple gifts or of the proceeds of other collections—likewise, in the New Testament, of delivering up the collections made for the community of Jerusalem—, make their appearance in groups of two each,⁴⁰ in order, as Paul says, to protect themselves from evil report.⁴¹ Thus we find Paul and Barnabas, Paul and Timothy, Paul and Silas, Paul and Titus, Barnabas and Mark, Timothy and Silas, Timothy and Erastus, and Judas and Silas.

Acts 13: 1ff. reports concerning the sending out of such community apostles. Even despite the painting over of the narrative on the part of the author, for whom the original apos-

³⁸ Schuetz, l. c. pp. 11, 24, 110.

³⁹ See *M. G. W. J.*, 49, p. 439.

⁴⁰ Babli B. B. 8b; Ta'anit 24a; Tos. Pea. 4:15. Likewise the apostles of the religious central board of authorities were sent out in groups of two on many occasions, cp. the two apostles mentioned in the inscription on the tomb in Venosa. Likewise, in N. T., Mark 6:7; Luke 10:1; Acts 19:22. We have indications of the sending out of community apostles by pairs in NT in II Corinthians 8:16 ff.; Acts 11:30.

⁴¹ II Corinthians 8:19f.

tolic concept had already undergone a change, this much is indubitably perceivable, that commissions as apostles were first granted by the community. Hence we cannot regard Harnack as altogether correct in his belief that the apostles, the same as prophets and teachers, are charismatic persons whose calling rests upon a communication of the spirit. He himself admits that their mandate must be recognized and tested respectively by the community, and that the apostle seems to have needed a special commission for each and every missionary pilgrimage or journey, after the expiration of which commission, he is a teacher or a prophet.⁴² On the contrary we must rather regard the following as having been the case viz. (1) that one could become an apostle only in one of the following two ways, either through the commission of the religious central board of authorities, or through that of the community; (2) that this apostleship was exactly determined and limited as to its content and that it was not exercised at the seat of the appointing board of authorities; and (3) that it was self-understood that there were appointed as apostles, not only of the religious central board of authorities, but also of the communities, only such persons as occupied a leading position in the religious community, hence, in the early Christian communities, prophets and teachers. As soon as the particular commission (τὸ ἔργον ὃ προσκέκλημαι αὐτούς)⁴³ was fulfilled, they forthwith ceased to be apostles, and reverted to the category of the religious officials or personages to which they had hitherto belonged. Accordingly, it is to no purpose to attempt to establish a gradation like apostles, prophets, and teachers. The teachers, as Harnack correctly observes, are rather bound or attached to the place; they are engaged by the community and for the community. The prophets are called by God; their divine mission is general, not bound by space and time. It is from these two classes of teachers and instructors that the community sends away two members to external places with a particular commission, and these two men are the שליחים (apostles) of the communities for this period of time and for

⁴² Harnack, *Verfassung und Recht der alten Kirche*, p. 19.

⁴³ Acts 13:2.

this commission. In early Christianity the prophets, *i. e.*, those persons who set out as announcers of the teaching of Jesus without receiving any commission from the communities, but prompted only by their own spirit, and the apostles, *i. e.*, those who by their preaching were fulfilling a special commission, came into close contact with each other. While the teachers remained in their place, the prophets and apostles travelled from place to place as wandering preachers. As a result hereof the distinction between the two classes must have gradually been obliterated until the time when the apostolic office experienced a thorough-going transformation due to the activities of Paul. Only in one passage are the two men who were sent out by the community of Antioch called apostles.⁴⁴ On the other hand, in all other passages, for example, in Acts 15:2, such persons are expressly distinguished from the apostles, *i. e.*, from the apostles of the religious central authorities. After their return from their missionary journey, the two men, who were sent out from Antioch, assemble the community and make a report to them, as the body which had commissioned them, concerning the carrying out of their commission.⁴⁵

Saul of Tarsus went from Jerusalem to Damascus as an apostle of the high priest and of the Sanhedrin for the purpose of taking stringent steps against the so-called Christian heresy (Acts 9:1). Here the decisive turning point of his life, his conversion to Christianity, takes place as the result of the vision which he had. He feels that he has been summoned for the purpose of announcing the new teaching. In this connection the mode of expression which is applied to Paul's summons fluctuates, for there is a difference of opinion as to whether he was called by God (Galat. 1:15) or by Jesus (I Timothy 1:12). If the first case is true, he is a prophet; in the second case he can be regarded as a teacher, or as an apostle in the same sense as the original apostles. At first he was the apostle of the community at Antioch, after Barnabas had brought him from Tarsus. His conflict with the original apostles⁴⁶ for

⁴⁴ Acts 14:4, 14.

⁴⁵ Ibidem, 14:27.

⁴⁶ τοὺς πρὸ ἐμοῦ ἀποστόλους, Galat. 1:17.

the first time results in his laying claim to the name of apostle and to the same authority as they possess. The only thing which he concedes to them is priority, but not a higher authority in the conduct and guidance of the general Church.

He does not trace his apostleship back to his having been sent out by the community at Antioch and to the ceremony of the laying on of the hands performed by the prophets and the teachers of that place, because this act of calling would have given him only the rights and significance as a communal apostle of the community of Antioch, and would have forced him to take a place behind those apostles who were commissioned for the entire Church. Furthermore, this apostolate had expired with his return from his first journey and with the report which he made concerning it. Rather does he trace his summons as an apostle back to the same authority as that of the twelve. In the introduction to all the Paulinian epistles, with the sole exception of the epistle to the Philippians and of the two epistles to the Thessalonians, he calls himself an apostle, called by Jesus and by God. In all these passages it is not at all clear whether the old principle of the apostolic concept, i. e., that of their receiving their call through the head of the Church, has here been retained, or whether it has already been changed in favor of the view in accordance with which their calling is effected by God himself. The view that Jesus did not die, but continued to live as the head of the Church, admitted of the possibility that the calling took place through him.⁴⁷ Thus Paul, too, despite the fact that he had not been a witness of Jesus' life and work, could be a witness of his resurrection, and he could thereby fulfill the prerequisite with which the apostolate of the Church as a whole was associated. Paul must have been anxious to carry his claim through in order to gain the mastery for his mission to the pagans and his antinomian standpoint.

The question as to whether the ambiguity of the introductory verses, to which reference has already been made, is intentional or unintentional may remain undecided. At any

⁴⁷ See above, p. 118.

rate, Paul's victorious championing of his claim to the name of apostle signifies a complete transformation. If he regarded himself as called by God, he would have been a prophet, but not an apostle. Of prophets there was a great number at the time, but they were not the men who had been authorized by the Church and who were entrusted with its conduct and guidance. The transformation of the apostolic concept due to the death of Jesus⁴⁹ became retroactive to apply to Paul, and led to a thorough-going reshaping of the concept. The people of the following ages then understood by apostles the wandering missionary preachers who preached in behalf of Christianity, and as the result of this use of the term it became quite customary to designate the announcer and disseminator of an idea as an apostle.

In the same manner as the apostolate, all the other offices of earliest Christianity may logically be shown to have had their origin in Judaism, and it may likewise be proved that it was not until the course of their development that they were changed in significance or in designation. The history of the composition and constitution of the earliest Church is in need of still more thorough-going and fundamental investigation, not only for its own sake and for that of Christianity, but also for the sake of obtaining a clearer knowledge of Judaism. The same statement applies to the development and evolution of a large number of religious concepts in the early Church, in which a transformation and recasting of Jewish concepts is more or less apparent. Of these we shall here mention only one, that of the βασιλεία τῶν οὐρανῶν, which is equivalent to the מלכות שמים.

⁴⁹ See above, page 115 f.

JUDAISM IN THE CHURCH

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IN A TWO-FOLD SENSE there is a such a thing as a history of Jewish ideas. These ideas have in Judaism itself their life and their development, their periods of fruitfulness and their days of drought and barrenness. But in an entirely similar manner likewise they have their existence outside of the province of Judaism in the great world of ideas; there, too, and not to a lesser extent either, they are active as a living force, as a leaven, and there, too, they create and produce changing epochs. Hence there is both a Jewish and a universal history of Judaism.

We can recognize this factor in the history of the social movement, to give an example which the present brings near unto us. This movement has a two-fold origin. On the one side, it is derived from Plato, from his idea of the mathematical state. The state, with its perfect law, in the infallible power and effect of which Plato firmly believes, is to create the man and impel him to virtue and to happiness. The state alone can achieve this, and therefore it must be the absolute state, the state which determines and decides everything, the state of dictatorship. This right of absolute power must be given to it, and over against it there must not be left to the individual any right of what is his own, any right of his own choice and longing. Plato is the founder of every system of state omnipotence and of all hierarchy. Every secular, every ecclesiastical, as well as every ideological dictatorship, even up to the Bolshevism of our own days, derived its ideas from Plato's state philosophy and from his sociology, and nourished them thereon.¹

¹ Zeller, *Vorträge und Abhandlungen*, I. p. 62 ff.; cf. Hatch, *The Influence of Greek Ideas and Usages upon the Christian Church*.

Another altogether different tendency, which has only the name of socialism in common with the first one, has its origin in the Bible, in Judaism. It does not proceed from the state, but from man, from the idea of the fellow human being, of the human brother. Judaism, unlike Plato, who is pessimistic in his attitude toward man, does not believe in the state, but it has an optimistic belief in man. For Judaism man is the strongest reality upon earth, and the state and its law become good only through the agency of the good human being. When human beings are brought up with this purpose in view, that of exercising justice and love towards each other, when each one conceives of the human being who is next to him as his brother, as the one who belongs to him and who is bound up with him, when each one recognized the rights which his fellow human being possesses, then men will have realized the true, social law, and will have created the true state, the social state. "Thy brother shall live with thee", in this maxim is contained the social idea.² These two tendencies the Platonic and the Jewish, can be followed out in the social movements of the last century, and it is very interesting that, for example, the Jew, Karl Marx, goes back to Plato in his socialism, while Christians, for example, like Saint-Simon or Kingsley, proceed from the basis of Jewish ideas,. Thus Jewish life lives in universal socialism.

But it is in the Church that the Jewish ideas have their own particular history outside of Judaism. The man who founded Christianity, Paul, regarded Judaism and its Bible, with conflicting emotions. On the one side, he regarded the period of Judaism, and in conjunction therewith likewise the period of the Bible, as ended. At that time the view was prevalent that there were three epochs of world history: first that of chaos, of Tohu-wabohu; then that of the Torah, which began with the revelation on Mount Sinai, and finally, that of the Messiah.³ If this last epoch had begun, it followed therefore that the one of Judaism and of its Bible must have come to its termination. There

² Baeck, *Wesen des Judentums* ³, p. 231 ff.

³ Sanhedrin 97a; cf. Jer. Meg. 70d.

was a word which was announced in the Gospel, to the effect that until everything had been fulfilled, not one jot or title should pass from the law⁴ But when everything had been fulfilled, when the Messiah had come, then the period of the law had come to its conclusion.⁵ The law—and for Paul the word “law”, just as in the Talmudic literature frequently the word “Torah”, is the designation for the entire Bible—is for him only the teacher of minors, the “schoolmaster (to bring us) unto Christ”;⁶ with Christ the time of those who were in their majority began. If the redeemer had come, then the Bible and Judaism as well could have no further significance; at least they could have no meaning other than that of a completed period of past time. If, however, they were still valid, then the redeemer could not have come. Hence it is explicable why Paul fought against the law with all the determination of his belief, just as though he were waging a struggle for his very existence. And, to repeat our previous statement, for him the law meant all commandments in the Bible, that is to say, the entire Bible, and not merely the so-called ceremonial law. Hence this question for him became one around which everything revolved, the problem upon which his religious existence and the certainty of his belief depended. If the redemption were at hand, manifestly present through faith and baptism, then the law must have ceased; if the law were still in force, it was thereby proved that the hoped-for time, the time of the fulfillment, was not yet at hand. Either the law or redemption: either the former had come to its termination or else the latter had not yet made its appearance. Whoever maintained that the law was still binding stood therefore in unbelief, for he denied the redemption. Hence, for Paul Judaism had to cease to be religion, the religion of the present and of the future, and the Bible had to cease to be the Bible., i. e., the Book of the present and of the future.

However, on the other hand, everything which Paul taught and announced, everything which was the proof for his belief, still depended upon this self-same Bible. It was for him the

⁴ Matthew 5:18.

⁵ Nidda 61b; Pes. 50a; Sabb. 151 b; Yalkut to Isaiah 26:2.

⁶ Galatians 3:24.

divine revelation, the announcement of Christ, and it is therefore "holy" and "just and good" in his eyes.⁷ It provided him with all his arguments. From this self-same Book, the present validity of which he strongly opposed, he took that which supported his teaching; the necessity of the death of the Messiah—, he could explain this fundamental feature of his doctrine only with the help of this Book. For him too the formula which decides everything is: "It is written". His entire process of thinking has its life in the Bible. It was this self-same contradiction which lay in his very being, in his entire personality. His personality too indicates this discord, this discrepancy, that on the one side he announces his freedom and independence from Judaism, and on the other side he keeps on searching for Judaism, for the Jewish mode of thinking and for the Jewish teachings. He had lived so deeply within Judaism that spiritually he could never become altogether free from it. Whether he willed it nor not, he always found his way back into the Jewish paths of thought. The Jew, which he still remained at the very depth of his being throughout his entire life, constantly kept up in his soul a struggle with the man of the new faith which he had become. The discord, which is to be found in his teaching as well as in his personality is to be explained on the ground of this fact.⁸

Among those who came after Paul and who became the disciples of his teaching, there were many who, quite differently from him, possessed the possibility of pure consistency, of unlimited opposition to Judaism. They no longer had any bond whatsoever, whether of the blood or of the soul, with Judaism, and they felt it to be their task to free the new religion from everything Jewish and thus to establish the pure Paulinism. There were several ways in which this could be done. The first method had been adopted by the author of the Barnabas epistle, who lived about 100 C. E. and who probably came from Egypt.⁹ He sought to save the Old Testament as the foundation of Paul's theology

⁷ Romans 7:12, 14.

⁸ Baeck, *Romantische Religion*, pp. 11. and 37.

⁹ G. Hoennicke, *Das Judenchristentum*. p. 284 ff.; M. Guedemann, *Religionsgeschichtliche Studien*, p. 99 ff.; E. Hennecke, *Handbuch zu den neutestamentlichen Apokryphen*; Geffcken, *Christliche Apokryphen*, p. 52 f.

for Christianity by denying it entirely to Judaism, and by claiming it entirely for Christianity. The means for carrying out this purpose was provided by allegorical explanation. He applies this system generally to the entire Old Testament. By its help everything objectionable in the Old Testament, i. e., everything which is at all Jewish, is removed, and every real, actual relation with Judaism is eliminated. Every word in the Old Testament is filled with a Christian meaning, with the result that the book in its true sense is made to belong to Christianity alone, just as the Church should be indeed the true Israel, the true seed of Abraham.¹⁰ All literal and verbal understanding of the Old Testament is, in his eyes, a detestable Jewish misunderstanding, the work of Satan. Thus the entire Old Testament became an exclusively Paulinian book; only that which is purely Christian is Biblical. As the result of this method the additional advantage was obtained, that Christianity received its early history, and that its beginnings were traced back to the time of the creation of the world. The Jewish people with its history was exposed as a people which had been led astray by the devil, which had never possessed a covenant with God and which had never had any understanding at all of the divine revelation.

And yet this method had its dangers as well as its advantages. If the right of interpretation were once granted, then at the same time each and every possibility of interpretation was granted. If the book was recognized under this one allegorical form, then it could lay claim to be recognized under any other allegorical form whatsoever. Freedom from this book was to be secured only by rejecting it altogether, without any limitation. This conclusion was drawn by Gnosticism, and especially by Marcion.¹¹ They were actually the logical and consistent Paulinians. They rejected Judaism and its Bible absolutely and completely. Indeed, Marcion himself, in order to preserve the absolute force of this rejection, explains and therefore rejects everything in the

¹⁰ Harnack, *Mission u. Ausbreitung des Christentums*, p. 41f., p. 49, p. 289 f.

¹¹ Bousset, *Hauptprobleme des Gnosis* p. 109 ff.; Harnack, *Lehrbuch der Dogmengeschichte*, I, p. 243ff.; De Faye, *Introduction à l'étude du gnosticisme*; Harnack, *Marcion*.

Pauline epistles which appeared to him to be Jewish, everything in which there was claimed to exist a linking of Jesus or of Paul with Judaism, as a forgery, as a Jewish interpolation. For him only that which is absolutely hostile to Judaism is true and genuine. For the sake of establishing pure Paulinism, he revised and corrected the text of the Gospels and of the Epistles. And in order to guard against any possibility that something which was Jewish should find its way into his religion by way of allegory, he demanded the literal interpretation of the Old Testament—just the same as did the man who was his contemporary and who, according to an old report, came from the same city, from Sinope, and whose bitterest opponent Marcion was, i. e., Aquila, the translator of the Bible, the proselyte, the pupil of Akiba.¹²

The essential fundamental of the theology of this tendency likewise consists in its rejection of Judaism. In order to separate Judaism altogether from their Christianity, in order to have an unambiguous Christianity and a God who belongs only to them, the adherents of this tendency teach dualism. There were to be no combinations and no alliances, but only an absolute separation. In their opinion there existed a two-fold God, the wicked, dark, cruel God who was bound up with the world, the God of Judaism, and the good, pure, spiritual, kind God who was exalted above all and above the whole world, the God of Christianity, who manifested Himself for the first time in Christ, and who had never revealed Himself in any other person previous to that time. When the Gospels speak of the two trees, of the bad tree, which bears only bad fruits, and of the good tree, which bears only good fruits,¹³ there are meant by these terms nothing else than these two Gods, first, the inferior, Old Testament God, who creates evil exclusively and who possesses no higher value than does the world itself, whose creator and ruler He is and who will pass away at the same time as His heaven and His earth, and second, the sublime Christian God, who brings forth good exclusively and who is without any contact with the world. There is no deeper antithesis than that which exists between these two.

¹² Schuerer, *Geschichte des jüdischen Volkes*, III,³, p. 313f.

¹³ Matthew 12:33.

For Paul, the God of the Old Testament was the God of Christ and his own God; but here, in this doctrine of the Gnostics, the two Gods stand in hostile opposition to each other. The God of the Jews and His Book, these constitute the proper adversary; they are the evil principle; all redemption signifies redemption from this world of Judaism. And for this reason the Jews themselves are the real enemies of Christ and of the true God. They are the ones who, all of them together, with their patriarchs, their prophets and their teachers, can never be redeemed.

But due to this very concept a great difficulty manifested itself. Since the Old Testament had been given up, and every thing which was of an Old Testament character had been removed from the Gospels and the Epistles, there was left only the doctrine of the redemption and of the sacraments, and everything which was ethical, everything which represented a commandment and an obligation, had been done away with. Hence there remained only two alternatives, either complete libertinism or absolute asceticism. Both of them actually made their appearance within a very short time. At first there became prevalent the practical nullification of all the commandments, and the principle was proclaimed: for the redeemed man, the man of pure Paulinism, "everything is allowed".¹⁴ People felt themselves to be pneumatical, to be free men of the spirit, and as such they believed that they were beyond good and evil, exalted above chastity and morality, and free, and bound by no law, by no commandment. Whoever is exalted above the law must be able to recognize not only God, but likewise "the depths of Satan"¹⁵; for the man of the spirit¹⁶ it is altogether immaterial what his body does.

This is the first method of getting away from the law. Marcion pointed out the second method. For him all earthly existence had been cast off at the same time as the law; for him the corporeal life was "*caro stercoribus infersa*".¹⁷ There was only one kind of piety here on earth, i. e., asceticism and the an-

¹⁴ I Corinthians 6:12.

¹⁵ Apocalypse (Revelation) 2:24.

¹⁶ Koehler, *Gnosis*, p. 28.

¹⁷ Tertullian, *Adversus Marcionem*, I, p. 29 ("Flesh stuffed into filth").

nihilation of self. He forbade the enjoyment of the flesh and demanded most painful fasting. He forbade all sexual intercourse even in marriage, and he admitted to the rites of baptism and communion only those who were willing to take the vow of celibacy or who, in case they were already married, would vow to preserve absolute sexual separation. In his opinion marriage was tantamount to dying; real life was the annihilation of everything corporeal. The struggle against the corporeal is the struggle "ad destruenda et contemnenda et abominanda opera creatoris".¹⁸ Whoso has conquered everything corporeal has conquered the God of the Jews. Religion exists for the purpose of bringing the human race to extinction. When this is accomplished it will then have triumphed over the Jewish, the wicked creative God. This was the final consequence of the purging of Christianity from Judaism.

It is self-understood that a Christianity which had been freed from Judaism in such a manner rendered all living in the world and all connection with culture impossible. If the Church wished to exist in the world, then it had to conduct the struggle against Gnosticism for the sake of its very existence, and this struggle in behalf of its existence, whether it willed it or not, became for the Church a struggle in behalf of the place of the Old Testament in Christianity. To the original historical reasons for which the Church had adhered to the Old Testament, there now were added these decisively essential ones. The Catholic church became formed and consolidated in the struggle against Gnosticism and in the conflict in behalf of the Old Testament, and it had finally succeeded in establishing its Bible, the unity of the Old and of the New Testament, and thereby the unity of the Jewish and of the Christian God¹⁹. It was then the period in which the Church was beginning to be connected with the state, at first, for the purpose of existing jointly with it, and then for the purpose of being above the state, as its ruler. The Church was able to accomplish this end because of a two-fold reason: first, because of this canonization of the Old Testament, and then,

¹⁸ Tertullian, *Adversus Marcionem*, I, p. 14, ("for the purpose of destroying, despising, and rejecting the works of the creative God").

¹⁹ Harnack, *Lehrbuch der Dogmengeschichte*, I⁴, p. 550 ff.

secondly, and in connection therewith, because of its adoption of the Stoic principle of natural law. These two, natural law and Old Testament law, were identified the one with the other by the Catholic Church, a process which is, at the same time, interesting and likewise characteristic of the Church. The entire mediaeval period is characterized by this equalization of the decalogue and of natural law, by this unity between the natural and the divine law.²⁰ As the result thereof the Church was now in a position to establish, in addition to the pure individualism of its doctrine of salvation and of redemption, likewise a social feature, to develop a state and social doctrine. In this manner a co-existence of the Church and the state, a recognition and a utilization of the state, was rendered possible for the first time.

As the result of this joining together of the Old and of the New Testament, as the result of this confession and admission to Judaism, Catholicism was now able to obtain likewise its system of ethics. Gnosticism, and especially the doctrine of Marcion, had been a religion entirely devoid of ethics, as has already been indicated. And as a matter of fact, this was actually the logical Christian standpoint, because as far as principles were concerned, there was no place for ethics in Paul's system: ethics had been done away with, because it was considered to be the Law which had been abrogated by the new righteousness of faith. Everything actually took place through the miracle of baptism, through mysteries; everything was accomplished in faith alone; and therefore by comparison that which was done by man could have no further significance. In this doctrine faith forms the antithesis to ethics. Any evaluation of conduct, even of the most moral conduct, of the Ten Commandments, for example, belongs to the province of the Law which had been overcome by Christ.²¹ It was a choice either of faith or of ethics, either of the savior or of the Law.

This is the fundamental alternative which Paul places for the individual. With reference to Paul himself, his Jewishness was

²⁰ Troeltsch, *Soziallehren der christlichen Kirchen u. Sekten*, p. 52f.; p. 156ff., p. 171 ff.

²¹ Baeck, *Romantische Religion*, p. 36f.

still too strong in this respect likewise. His ethics, the same as his attitude towards the Old Testament in general is the result of this inconsistency, i. e., that with his ideas he had stepped out of Judaism, and that he still lived in Judaism, as far as his ethical feelings, his feelings towards the commandments, were concerned. In this respect likewise the Jew in him was stronger than the doctrine. And in this respect, too, his disciples, drawn as they were from paganism, had no such connection with Judaism. The epistle of Barnabas had been in a position to announce the following principle: "The tablets of Moses are broken into pieces". Among the Nicolaites in Ephesus and Pergamum, and the Baleamites, the consciousness that they had already been redeemed had led to lack of restraint, to that libertinism of which mention has already been made;²² among the Cainites the Biblical malefactors had served as patterns of the one who was redeemed.²³ The ceremonial and the ethical had been placed upon the same plane by Paul; both were the Law; whoso felt himself elevated above the former could therefore believe himself to be exalted above the latter likewise.

In order to be able to oppose this principle likewise, the Church was in need of having the Old Testament and its moral code. Hence the Church established the principle of "faith and works", in order to assign both to the Old Testament as well as to the New Testament its rights. How strong the necessity of compromise was in this instance is shown by the fact that the epistle of James was adopted into the New Testament and placed at the head of the Catholic epistles, this epistle which is nothing else but a most violent polemic against Paul, and which, in opposition to Paul's principle that man is justified through faith without works of the law, expressly declares that man is justified on the ground of works, and not through faith alone.²⁴ The catholic doctrine was developed on the basis of this great compromise with the Jewish element. It was a compromise, and the Jewish element in it lost its own character. The one

²² Apocalypse (Revelation) 2; 2 and 6; 2; 12 ff.; I Corinthians 6: 12 f.; 8: 7 ff.; I Peter 2:16; Clemens, *Stromata*, 2:20; 3:5.

²³ Epiphanius, *haer.* 39.

²⁴ James 1:14-26.

God, Whom the prophets had taught, was reinterpreted into the trinitarian concept of God which the Church Fathers held. The sense of the Old Testament was interpreted in a christological manner; the Biblical law was identified partly with the natural law and was accordingly relegated to the plane of that which was purely natural in contrast with that which was intrinsically religious, and partly its work (the practice of the law) was placed alongside of the service of the sacramental cult, in juxtaposition with the ceremonial practices of the Church, the one as well as the other being regarded as "good works", both having the same name and the same value. But just so Paulinism had suffered harm as the result of this compromise, and its principle of "faith alone", for sake of the compromise, had experienced restriction and limitation.

Thus it is comprehensible that within the church, in the same manner as previously, contradictions made themselves manifest anew, either for the purpose of reestablishing the pure Paulinism, or for the purpose of securing a greater place for the Jewish element. From this time forth the inner development of the Church, its internal life and activity, is now conditioned by this two-fold struggle. Of course it must be stated first of all that there was no contradiction as far as the doctrine of the trinity was concerned. Here the Church doctrine was firmly established, even though the so-called doctrine of tritheism, in accordance with which the three persons of the God-head are to be separated from each other,²⁵ was in evidence at the time in addition to the official Church tenet. But there soon commenced explanations and counterexplanations with reference to the question of faith and works. The teachers and the tendencies of the Church were divided in their attitude towards this problem. One may say that the history of the dogmas of the Church is actually a history of Judaism within the Church, that it has its various phases, according as the active ethical-psychological element of Judaism, with its emphasis on the personal, or the passive, magically sacramental element of faith of Paulinism, with its dissolution of that which is individual into the metaphysical, is brought more strong-

²⁵ Harnack, *Lehrbuch der Dogmengeschichte*, II⁴, p. 300 ff.

ly into prominence. And the task which the Papacy performed, the purpose which it executed again and again with great diplomatic art, and, above all, with great spiritual strength, in all conflicts and antitheses, is the maintenance of that compromise.

The retention of this compromise was rendered necessary at a very early date, since the principle of works as well as the principle of faith each found a champion very soon in a strong personality, the one in Pelagius, the other in Augustine. In the opinion of Pelagius the concept of mercy has an entirely ethical character, and for this reason he reckons the Law as forming a part of it, and in general he assumes no essential difference between the Old and the New Testament. He teaches the free will of man, before whom God has placed both the good and the evil. He teaches the doctrine that every man, even the non-Christian, can do what is good, and therefore there is such a thing as salvation even for him who is not baptized.²⁶ But with the same determination with which Pelagius emphasizes this doctrine of "liberum arbitrium", and this "possibilitas boni et mali", Augustine opposed them. He stresses the fact that ever since Adam's fall there is no such thing as free-will, that man ever since has been evil by nature, under the ban of the original sin. In Augustine's opinion the attribute of grace has a purely supernatural character. It grants everything and man contributes nothing; it selects some few people without any reason, and equally without reason it allows the great number of other persons to become the "massa perditionis", the great mass doomed to perdition, and this supernatural mercy has its place only in the Church; only the Church's baptism brings with it salvation; and even an infant which dies without having been baptized is damned. Although, according to the principle of Pelagius, in agreement with ancient Jewish teachers, the virtue of those of other faiths or of unbelievers is recognized, because virtue itself is of decisive importance and faith means belief in the good, none the less according to the point of view of Augustine there can be no virtue on the part of a pagan, and all virtue has no significance

²⁶ Baur, *Geschichte der christlichen Kirche*, II², p. 132 ff., p. 143ff.; Bruckner, *Quellen zur Geschichte des pelagianischen Streites*.

whatsoever in comparison with the sacrament; all salvation is dependent upon the belief in sin.²⁷

Opinion and thought fluctuated between these two poles during the Catholic mediaeval period, thus, for example, between Thomas and Duns—it is interesting in this connection to note that Pelagius and Duns were both Englishmen; and compromises were continually being made between these two poles. Of course the Church condemned and prescribed Pelagius, and yet it always came to terms or compromised with a sort of semi-Pelagianism. The Church, it is true, declared Augustine a saint, but it nevertheless resolutely continued to reject pure Augustinism, even at the time when it was revived by such significant personages as Jansen and the circle of Port-Royal. It remained the Church of compromise and of combination between Paulinism and the Jewish element, even though it allowed the former to preponderate.

Luther's reformation then proceeded from the opposition to the compromise. In one point Luther reverted to Judaism, i. e., in the doctrine of the priesthood of all. Even in this teaching the Catholic Church had created its own intermediary doctrine; it had made a distinction between an inner priesthood, which was to be regarded as held out for all those who were baptized, and the external priesthood, which belonged only to the class of the consecrated.²⁸ In this respect Luther had adopted in its entirety the Jewish idea, which had likewise been very active elsewhere in mediaeval Catholicism; at least he did so during his early, revolutionary years. Hence the Jewish idea here, too, conquered in Christianity. On the contrary, however, Luther in his dogma entered into a thorough antithesis with Judaism, into pure Paulinism.²⁹ His doctrine is that of the absolute original sin, of the unlimited effectiveness of grace, towards which the believer is able to be merely and completely motionless in a purely passive manner. Luther had arrived at this point of

²⁷ Harnack, *Lehrbuch der Dogmengeschichte*, III⁴, p. 68 ff., p. 90 ff., p. 166 ff.; Troeltsch, *Augustin*; Sell, *Christentum u. Weltgeschichte* I, p. 70f.

²⁸ *Catechismus Romanus*, VII, 23.

²⁹ Troeltsch in *Kultur der Gegenwart*, I, 4, p. 276 ff.; Dilthey, *Archiv für Geschichte der Philosophie*, V. p. 330 ff.; Wundt, *Ethik*, I, 3, p. 363 ff.

view by reason of his quest for the complete certainty of salvation. Inasmuch as Catholicism had demanded works on the part of man, and man was never able to perform all these works, so the believer, no matter to what extent grace has been granted to him, can forever possess only the assurance of salvation, but never the complete certainty and security of salvation. In order to make this certainty one's own peculiar possession, Luther, just like Paul and Augustine in previous times, had therefore completely eliminated the value of human action and had made everything dependent upon grace exclusively, and upon unlimited faith therein, upon "sola gratia", upon "sola fide". In order to preserve his belief he had to reduce the deed to the complete insignificance, and represent the belief in the importance of the act as real unbelief, as a sin against the Holy Ghost. In place of the Catholic principle of faith and works, there now reappears the old antithesis: either faith or works, and for this there may be substituted likewise the following mode of expression: either religion or ethics, either grace or intention! According to this principle each and every will, even if it be the best and the noblest, every will whose object is to be good and righteous, is only the way of destruction. Salvation can come from faith alone, which for Luther means faith without the action. Herewith everything Jewish had been eliminated in his dogma, and war had actually been declared against whatever was Jewish.

But it went the same with Luther as it had formerly gone with the generation of Paul. The same results followed in both cases. Just as formerly asceticism and libertinism followed as the result of the principle that everything depended upon faith alone, so now again, among Luther's following, there resulted partly the tendency towards asceticism,³⁰ and partly the so-called tendency of antinomism, which set about the task in all seriousness of rejecting the law.³¹ And just as, at that time, the Church was forced to concede a place to works in order to be able to live and exist in the state, so Luther found that he had to do the

³⁰ Troeltsch in *Kultur der Gegenwart*", I 4, p. 407 ff.

³¹ Hunzinger, *Lutherstudien*, II, 1; cf. Amsdorf (a contemporary of Luther) "bona opera ad salutem esse pernicioosa" (that good works are destructive to salvation) in Hase, *Hutterus Redivivus*, p. 308.

same thing, when he founded his church with the help of the state. Indeed, Luther found a way out of his difficulty as the result of his adoption of the fatal expedient whereby he removed the moral commandments from the province of religion proper and relegated them to the province of that which was purely civil, and handed them over and subordinated them to the power of the police, to the civil authorities. Morality is here only that which the authorities demand. It has nothing whatsoever to do with religion proper, and at best it is only an appendix to religion. In this manner man is to a certain extent divided into two separate and distinct divisions, into the class of the spiritual man of faith, and into that of the civil man who keeps the commandments. Herein consisted the un-Jewish feature of the religion of Luther, and herein likewise consists its intrinsic weakness, its religious as well as its cultural weakness. It was never able to create a real system of ethics on the ground of and proceeding from religion, and on the other hand it had established the state, which it moreover recognized as the supreme lord of the Church, likewise as the lord and master over morality, and had thereby given the state its unlimited power.

In contrast with the religion of Luther, the great historical contribution of Calvinism³² consists in the fact that it once again restored to the actions of men their ample place, just as is demanded by Judaism. Of course Calvinism deviated from Judaism by reason of its dogma of predestination, but it actually had reverted to Judaism in a decided manner in its doctrine of the significance of man's actions, in its emphasizing of the commanding law and of the Divine Will. And even this idea of predestination in Calvinism finally becomes ethicized more and more. The conduct of man is here the sign that God has chosen him. Man is chosen if he conceives it to be his task to adopt the Will of God as his own will, to ameliorate the world, to devote his life and labor and that of the human beings near him to the service of that which is moral, to labor for that which is good on earth for the sake of the glory and honor of God. In Calvinism, unlike the religion of Luther, faith does not have its purpose in itself, but its goal is the determination of moral effectiveness and ac-

³² Max Weber, *Die Protestantische Ethik u. der Geist des Kapitalismus*.

tivity. The old Jewish idea of the covenant which God makes with men and, together therewith, the idea of the Law and of its social demands such as was announced by Judaism, everything which is called the legal feature of Judaism, all this becomes more and more active within Calvinism. Here religion is to be manifested in life, and religion is to be given a serious place in life. In opposition to the Lutheran religion of passivity, Calvinism stands out as the religion of activity and of heroism; and the Old Testament gains in place and significance in its Bible. Furthermore with this legal idea there is thoroughly associated in Calvinism likewise, just as in Judaism, the Messianic idea. Wherever the demand for the commandment is made, the demand that there be prepared a proper place for that which is good upon the earth and that the kingdom of God be founded in life, here there is awakened likewise the Messianic idea, this belief in the progressive realization of the good, this belief in the true kingdom of God of the future. The Puritans of England were inspired by this Jewish idea when they struggled against ungodliness and despotism; the Presbyterians were guided by this self-same Jewish idea when they journeyed westward and created the New England states. Here, as well as in Judaism, there is indicated to what a great extent legal piety always becomes Messianic and to what a great extent Messianic piety is legal piety.

This Messianic expectation had been done away with by Paul in its essential features. Since for him the coming of the Messiah and the redemption was something which had already been fulfilled, was already an actual possession of the present, the idea of the great future hope had consequently lost its significance. Occasionally, however, this Messianic idea became revived ever and anew, not only in the old Church but likewise in the Middle Ages. In days of oppression especially this Jewish longing for a coming period of the rulership of God and of eternal peace became an active force in the doctrine of the so-called "evangelium aeternum" and of the millenium. The Church had constantly perceived therein something of a revolutionary nature and had fought against it with all the means at its disposal. This idea did not become an ecclesiastical movement until the

time of so-called Baptism,³³ this religious movement from which, together with Calvinism, there was derived and from which there proceeded the strongest religious force, indeed, almost everything which transformed and reorganized religion and religious thought in England and the United States. This movement had a free pathway, because it refused, fundamentally and on principle, each and every connection with the state and each and every structure on the part of the state, such as those into which Catholicism and Protestantism had entered. In place thereof the new movement established the free community in which the religious ideal was to be realized. And this freedom did not lead to libertinism and antinomism because it did not proceed from the contradiction and opposition to the Law. On the contrary, it led to the resuscitation of Biblical socialism and of the Biblical ideal of holiness, because it directed its attention to the commanding Jewish idea. The Baptists could be Independent and Congregationalists, because they placed ethics above the forgiving of sins, and the commandment above the doctrine of justification. With this stressing of the ethical there was closely associated a suppression of the sacramental and a tendency to strip it of some of its importance; hence in his case, too, there is manifest a turning away from Paulinism to Judaism. The Baptist movement represents a real revolution of that which was Jewish within the Church. It strove for and gained its world-historical successes at the time of Cromwell in England, and in the states of the Pilgrim fathers. Although, or perhaps because, it did not become a church, it was one of the most effective and fruitful ecclesiastical movements of comparatively modern times.

All these reformation tendencies have the following feature in common, i. e., that for them the question of grace and Law, of faith and works, was the decisive one; all other questions occupied a position in the background. But already in Baptism the opposition to the dogma of the trinity likewise had manifested itself occasionally. Ludwig Haetzer³⁴ had opposed the divinity of Christ. This question, in which Judaism and Christianity are deeply divided, came to occupy a position in the foreground

³³ Troeltsch, *Die Soziallehren der christlichen Kirchen u. Sekten* p. 797 ff.

³⁴ Hege, *Die Täufer in der Kurpfalz*.

for the first time in Socinianism,³⁵ which was the first Unitarian tendency, and therefore, with reference to the doctrine of God, the first Jewish tendency in Christianity. It, too, had proceeded on the ground of the Pelagian idea; this idea had been reawakened at the period of Humanism. The right of the human being and of human freedom and action, the ethical and the Messianic stress is laid upon these, and in order to grant the individual human being his full right, the doctrine of the original sin and of justification through Christ is opposed. On the ground of these views, therefore, there developed the shunting aside of that which was dogmatical and the simple explanation of the word of the Bible, the rejection of Christology and of the trinity, and the conception and comprehension of the unity of God, therefore a return to Judaism. Socinianism is the attempt to create a humanistic renaissance of Christianity in place of the dogmatical reformation. As far as its external history is concerned, Socinianism had only a very brief term of life. It established its own church in Poland, but this church only too soon succumbed to the Polish reaction, and in such a thorough-going manner that no trace of it was left in Poland. It was only in Transylvania that a group of communities managed to maintain its existence throughout all the persecutions of the centuries to which it was subjected, even after some few of its believers had there become converted to Judaism as Sabbatarians. And despite the fact that at first dogma and reaction were triumphant throughout almost the whole of Europe, none the less the ideas of Socinianism became widely disseminated. In conjunction with the ideas of Baptism they became seed grains, from which there sprouted forth in subsequent years a full measure of fruit. Especially in the Netherlands, and then, above all, in England, where they gained a Milton, and then in America, these ideas became a powerful and important ferment of theological progress and of human and undogmatical religiousness. They were the means whereby fruitful Jewish thoughts were carried over into the life of the Church. The Unitarianism of a Priestly, a Channing, a Parker, and of a Martineau goes back to these Socinian germs,

³⁵ Harnack, *Lehrbuch der Dogmengeschichte*, III⁴, p. 765 ff.

which blossomed forth and reared themselves aloft in modern Protestantism.

Throughout Protestantism this definite inclination towards Judaism is everywhere apparent. What has remained of the old ecclesiastical dogma in modern Protestantism? The trinity has more and more become a mere word: the Holy Ghost is no longer the actual divine personage, the paraclete, but it now represents nothing more than an ethical concept; it has assumed a Jewish character. The ecclesiastical doctrine of the divinity of Jesus, it is true, is regarded as a dogma in wide circles even of present-day Protestantism, and yet even as such it is, for the most part, only a theological concept, which is pushed and twisted hither and thither dialectically, in order to rid oneself more or less of its content and thereby to get back to Jewish monotheism. In quite a similar manner there has disappeared the old ecclesiastical doctrine of dualism, which divides the world into two great divisions, that of the son of God and of Grace, and that of the devil and of original sin. When do people still speak of this dogma? On the contrary, how much the more do they speak of that universalism which comprehends all human beings, of this prophetic doctrine. And finally, the doctrine of faith, that faith which was considered to be all-important and all-significant, it too more and more comes to occupy a place behind the Jewish teaching of the actions and disposition of man, both of which lead him to God. Faith now is to be ethical belief, and this in turn means Jewish belief. Every change in modern Protestantism has received its tendency from the Church's realm of thought and goes back ultimately to the sphere of ideas of Judaism; and it is to be regarded as having only the significance of something bizarre, that occasionally in German Protestantism there became active, as the result of a feeling of anti-Semitism, ideas like those of Marcion in previous times, for example, among men like Lagarde and Houston Stewart Chamberlain, who wish to have everything Jewish removed from Christianity. The history of the Church has already shown what will be left of Christianity if it is to be cleansed and purged of everything Jewish.

When we cast a retrospect over the centuries of the Church's existence, we see in the Church, too, in such a manner, a history

of Jewish ideas. Every change which took place in the spiritual and religious life of the Church represents a coming to grips with these ideas, either a turning away from them or a renewed inclination in the direction towards which they tended. There is thus such a thing as a history of Judaism within the Church. Judaism has an indestructible life by reason of its ideas; it can be fought against, and it can be forced to give ground, and yet it always becomes reanimated. "*Et inclinata resurget*". "Even when it is bowed down, it only rises again to still loftier heights.

JEWISH PROPER NAMES AND DERIVATIVES IN THE KORAN

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IT IS OVER NINETY YEARS since A. Geiger attempted to answer the question, "What did Mohammed take over from Judaism?"¹ Since then, it is true, numerous details dealing with this subject have been supplemented, but no other comprehensive treatment of the theme was undertaken. It is self-evident that the unaltered reprint of Geiger's work (Leipzig, 1902) cannot present us with a picture of the present-day status of research. Nor would this result be attained even by the incorporation of the data ascertained in the interim, because the methodical hypotheses on the basis of which the work would have to be approached today have undergone decided changes. Modern research in particular assumes an entirely different attitude towards Islamic (post-*Ḳoranic*) tradition; the confidence which investigators formerly reposed in this tradition has been definitely destroyed above all on the ground of the investigations made by I. Goldziher with reference to its origin and its character.

The reports contained therein, which are alleged to date back to the time of the prophet's contemporaries, which material, arranged according to different points of view, is grouped in three literary provinces, i. e., the *Ḥadīth* (sayings of the prophet), the *Sīra* (the life history of the prophet), and the *Tafsīr* (the explanation of the *Ḳorān*), represent genuine tradition only to a very limited extent. They reflect a later stage of the development of Islam than the *Ḳorān*, and they therefore cannot be utilized as authentic material for the in-

¹ *Was hat Mohammed aus dem Judenthume aufgenommen?* Bonn, 1833.

terpretation of the *Ḳoran*. Modern scientific investigation likewise is again and again exposed to the danger of carrying conceptions of a later period over into the text of the *Koran*, as long as it primarily does not leave Islamic tradition entirely out of consideration and only later, by way of supplement, employs it for purposes of contrast with the results which have been obtained independently thereof. The importance of the traditional literature for the understanding of the later development of Islam is, of course, not intended to be belittled as the result of these observations, neither are these remarks intended to detract from the merit of those² who investigated the Jewish elements in the post-*Ḳoranic* tradition. But care must be taken not to confuse this task with that of singling out the Haggadic elements of the *Ḳoran*, an error to which the title of I. Schapiro's work, "The Haggadic Elements in the Narrative Portion of the *Ḳoran*"³, gave rise, although in every other respect the work is very meritorious. For the author is not in the first place concerned with the influence that Haggadic interpretation has exerted on the text itself of the twelfth Sura, but rather on its interpretation as dating from the post-*Ḳoranic* period.

In addition to the *Ḳoran*, we must take into consideration only those sources which are contemporaneous with the *Ḳoran* or which go back to pre-*Ḳoranic* times. Accordingly, the verses of the old Arabian poets occupy the foremost position in this connection, although it is not always possible to render a definite decision with reference to their genuineness. In addition the Southern Arabian inscriptions, as well as those which owe their origin to the Arabians of the North, must be included. Now with regard to non-Arabian sources, there must be taken into consideration the literature of the Jews, that of the Oriental Christians, as well as that of the Mandeans. Also the writings of the Parsees may to a certain extent enter into consideration in this connection. Finally, the reports of the Byzantine

² E. g. Gruenbaum, *Gesammelte Aufsätze zur Sprach u. Sagenkunde*, ed. F. Perles, Berlin, 1901, *Neue Beiträge zur semitischen Sagenkunde*, Leiden, 1893.

³ *Die haggadischen Elemente im erzählenden Teile des Korans*, Heft, I, Leipzig, 1907.

chroniclers which refer to Arabian conditions must be considered. The possession of the Old Testament was not the only thing which was held in common by Judaism and Oriental Christianity, both of which were wide-spread throughout different parts of Arabia proper as well as in the contiguous provinces during the sixth century. Numerous apocrypha and pseud-epigrapha of Jewish origin in addition were widely read in the Christian Orient, while the Haggadah of the Jewish teachers had not remained foreign to the church fathers. But ideas and traditions alone had not become the sole common possession of Jews and Christians despite the differences prevailing between the two religions in all other respects, for linguistically likewise the two made use of essentially one and the same medium of expression for a long time. The language of the Oriental Christians (omitting Egypt and Abyssinia) was Aramaic; in Syria and Mesopotamia it took the form of the Syriac, while in Palestine it assumed that of the Christian Palestinian tongue. Of course among the Jews the Hebrew text of Holy Writ was read at religious services, and in addition thereto Hebrew had remained the language of prayers, with only a few exceptions to this rule. However Aramaic had not only long before become the spoken language of the Jews in Palestine as well as in Babylonia, but likewise the Biblical writings were interpreted in the Aramaic language, and in the academies the discussions concerning the Hebrew (either the Biblical or the Tannaitic) texts, which formed the basis of the study, were carried on in Aramaic.

In view of the position which the Aramaic language thus occupied among the Jews as well as among the Christians, it is not to be marveled at that in many instances both religious communities made use of entirely identical expressions even for specifically religious concepts. For this reason an expression, concept, or tradition, the Jewish origin of which has been established and which is found later in the Koran, must not necessarily be assumed to have reached Mohammed through Jewish mediation. The proof of such an act of mediation can be regarded as completely valid only when at the same time the investigation of the Jewish element, which had been taken over by Christian circles, furnishes us with no reason to assume that

it had been transmitted to Mohammed through Christian mediation. If we consider the fine distinctions, how they retain the peculiarities of the different dialects when employed for linguistic designations, but how, when employed for concepts and traditions, these distinctions also arise from the various shades of meaning^s of their formulation, we are not infrequently in a position to discover a sure solution to the problem of their immediate origin. However, in many cases it can no longer be determined whether Jewish or Christian influence is to be assumed.

Geiger divided his material in such a way that in one chapter he discusses "ideas which belonged to Judaism and which were taken over into the Koran", and in the second chapter he treats the "stories which were taken over from Judaism". The "ideas" are then further subdivided into "concepts" and "views"; the latter are still further subdivided into "religious views, moral and legal ordinances", and "views of life". At this point I would like to state that I prefer to limit myself to a discussion of that which corresponds to the "concepts" of Geiger's terminology, a term, by which, as he understands it, is meant the linguistic expression of these concepts, which accordingly means the Jewish derivatives contained in the Koran. However, to the derived words in the more limited sense of the word I prefix the proper names, in so far as they are employed as a designation for Old Testament figures or are traditionally understood as such. Accordingly, in this article, I have collected those data of the Koran borrowed from Judaism which limit themselves exclusively to the sphere of linguistics. The ideas, traditions, and legal prescriptions, which the Koran borrowed from Judaism, have been omitted here from discussion.

S. Fraenkel made a brief compilation of the foreign words of the Koran in his inaugural dissertation, *De vocabulis in antiquis Arabum carminibus et in Corano peregrinis* (1880). This thesis is referred to in the following as Fr., while the designation "Fraenkel" is referred to the larger work of the same author *Die Aramäischen Fremdwörter im Arabischen* (Leiden, 1886). H. Hirschfeld has discussed the subject of Jewish words in the Koran in various passages of his two books, *Beiträge zur Erk-*

laerung des Koran (Berlin, 1878), and *New Researches into the Composition and Exegesis of the Koran* (London, 1901). R. Dvorak's essay, *Ueber die Fremdwoerter im Koran*,⁴ essentially merely repeats the views of the Mohammedan scholars, but still it contains some original statements of the author himself. Theodor Noeldeke has repeatedly expressed his opinions concerning our subject in his *Geschichte des Qorans* (2nd edition, revised by F. Schwally, Leipzig, 1909) and in a number of notes in his *Neue Beitræge zur semitischen Sprachwissenschaft* (Strassburg, 1910), viz. in the two chapters, "Foreign Words in the Kōran Which are Employed Arbitrarily and Improperly", and "Derivatives in and from the Ethiopian Language," and finally, in a number of separate essays and articles, each of which is quoted in the proper place. In fine mention should be made of L. Cheikho's book in Arabic, *Annaṣrāniya wa-ādābuhā bain 'arab al jāhiliya* (also with French title, *Le Christianisme et la Littérature Chrétienne dans l'Arabie préislamique*, Beyrouth, I, 1909; II, 1919). Cheikho devotes one chapter of his work to a discussion of "Christian Words" (pp. 157-234), and a second chapter to "Christian Names" (pp. 235-253). Though in both of these chapters a very great number of words not found in the Kōran are taken up, nevertheless the words found in the Kōran are likewise discussed. Cheikho has made extensive use of ancient poetry in his book and has quoted from it to a great extent, and since my compilation of the material, independently undertaken, is based on the same sources as his, it so happens that we have very frequently come upon the same passages as evidence. However I cannot agree with a large number of his results.

S. Sycz devoted a separate work to the discussion of the *Ursprung und Wiedergabe der biblischen Eigennamen im Koran* (Frankfurt a. M., 1903), but the merit of this book consists chiefly in the fact that it led to a valuable review on the part of N. Rhodokanakis (*W. Z. K. M.*, vol. XVII, p. 281 ff). M. Lidzbarski has recently dealt repeatedly with certain Koranic

⁴ *Sitzungsberichte der Wiener Akademie*, Philos-hist. Klasse, Bd. 109 (Wien, 1885), pp. 481-562.

names in his translation of the Mandeian *Johannesbuch* (Giessen, 1915). In addition, S. Fraenkel and Th. Noeldeke discussed certain Kōranic names in articles to each of which reference will be made in its proper place. In conclusion, reference should be made to several articles in the *Encyclopædia of Islam*, the majority of which were written by J. Wensinck.

Now as regards the quotations from the ancient poets, it was not possible that I should concern myself with investigating the genuineness of the verses separately in each and every case.⁵ Nevertheless in those places where the unauthenticity of certain verses is clearly evident or where it has already been substantiated by other writers, I have indicated this fact. With regard to Umaiya and Samaual I have given consideration to the investigations of Frank-Kamenetzky (*Dissertation*, Königsberg, 1911) and Noeldeke (*Z. A.*, Vol. XXVII, pp. 159 ff., 173 ff). The individual poems are here quoted throughout according to the number in Roman numerals, and the Suras are cited in Arabic numerals, with the addition of "I Meccan" (i. e., first Meccan Period), "II Meccan" (second Meccan Period) "III Meccan", or "Medina" (i. e., Medina period), in which, in the main, I have adhered to the results of the investigations of Noeldeke and Schwally in the division and assignment of the verses to the different periods. By the term "companions" are meant the adherents of the prophet among his contemporaries.

I. PROPER NAMES

References have been correctly made to Mohammed's preference for the anonymous, as far as allusions to contemporaneous occurrences are concerned. In such connection it only seldom occurs that he makes mention of names, in which respect he is similar to the writers of the Apocalypses. However, he adopts a different method of procedure in dealing with the stories of the past to which such ample space is devoted in the

⁵ For our investigation, it is not so much a question of importance as to whether or not a certain poem belongs to the poet to whom it is ascribed, but rather as to whether it is a product of pre-Islamic times or whether it already contains evidences of Islamic influence.

Koran. Even in these cases it not infrequently happens that, instead of mentioning the hero of the story by name, he merely alludes to his name in a more or less clear manner. An example hereof is to be found in 2: 247, where he makes mention of a "prophet of the Bānū Israil" and means Samuel. In many instances the circumlocutions are so indefinite that even up to the present time it is still doubtful who is meant thereby in each instance (see *infra*).

For the most part, however, he does not withhold the names of the heroes of his narratives, names which have their origin in the Old as well as in the New Testament, in the legends concerning Christian saints and likewise in the traditions of the Arabian past ages (the periods preceding Mohammed). The most numerous among these names are those of Old Testament origin, and at this point we shall concern ourselves solely with those names which are of Old Testament origin or which have hitherto been regarded as having been derived from the Old Testament.

Some of these names will be found in the Koran in exactly the same form as they have in the original Hebrew text, if we take into consideration the fact that certain shades of pronunciation could not possibly be reproduced in the Arabic script. To this class there belong the following names: "Nūḥ", for "Noah";⁶ Lūṭ", for "Loṭ";⁷ "Ya'qūb" for "Jacob"; "Mājūj" for "Magog"; "Hāmān" for "Haman"; "Bābil" for "Babel". Of course the forms of these names do not as yet necessarily have to be regarded as having been borrowed from the Jews on this account, for the reason that the Syrian translation employs the same forms. For the rest al-A'shā likewise (Shu'arā 389) knows of Noah, and Umaiya makes mention of this name repeatedly. Cheikho, p. 265 enumerates several persons who bore this name, but apart from the not entirely certain Nūḥ b. Makhlad they belonged only to the period subsequent to Mohammed. The name "Nūḥ", which the prophet mentions as early as in

⁶ The Koran does not know of the names of the sons of Noah. But in the verses which are ascribed to al-Afwah (in Cheikho, p. 266), all three names are found, and, in addition thereto, the name "Lām" (Lamekh).

the first Meccan period, had perhaps been known in Arabia long before his own time.

The name "Lūṭ", mentioned in the Ḳoran ever since the II Meccan period, appears likewise in the unauthentic poem of Umaiya, XXXI, 1. As a bearer of this name Cheikho, p. 234 mentions Lūṭ b. Yaḥya al-Azdi, i. e., the famous historian Abu Miḥnaf, who died about the year 130 H. Accordingly the name is not certified to belong to pre-Islamic times.

Likewise of the name "Ya'kūb", mentioned for the first time in 19:6, 50 and 38:45 (both of these passages II Meccan), no mention is made in the ancient poetry. Of all the bearers of this name who are enumerated in Cheikho, p. 234, only Ya'kūb b. Zam'a is shown to go back to the early Islamic period. Ya'kūb b. Zam'a fell in battle at Bedr as an opponent of the prophet, and must therefore have received the name from his pagan father. This would seem to prove that the Biblical name was met with in Mecca even before the time of Mohammed, an assumption which is not as probable as that there was a genuine Arabian name "Ya'kūb" in existence; since the word ya'kūb" when employed as an appellation signifies "Partridge" and since birds' names of similar significance are found elsewhere in Arabic as names of persons (Noeldeke, *Beiträge zur Semitischen Sprachwissenschaft*, p. 85), this possibility would by no means be excluded. "Ἰακουβος" as a proper name is found likewise in the Greek inscription quoted in Waddington, 2619, while in 2068 of the same work the Biblical patriarch is called "Ἰακωβ" (according to Chabot's Index). "Mājūj" occurs for the first time in 21; 96 (II Meccan 9, and appears likewise in the spurious poem of Imrulkais, App. XXV, 4. Ḥāmān is mentioned for the first time in the III Meccan period, but he was erroneously made to refer back to the time of Pharaoh by Mohammed. Likewise the name "Zakaryā", in Hebrew "Zekaryā", is taken over into the Ḳoran unchanged but inasmuch as Mohammed makes mention of this name only as that of the father of John the Baptist, it is outside the scope of our subject.

A second group of names gives evidence of only small deviations in vocalization. To this class belong the following: Yūsuf, Madyan, Maryam, Ba'l, Isrā'il. In place of Yūsuf

(since the time of the third Meccan period), with the assimilation of the second "u" by the first, the form "Yūsif", which is nearer to the Hebrew, is handed down traditionally, a name which, in contrast to the name "Yūsuf", could possibly be explained as being of the Arabic formation, "yuf'il". Samaual likewise, 31:2ff., makes mention of the name Yūsuf, but the poem is not genuine. For the name "Mattā b. Yūsuf", which is found in Samaual II, 15, cp. Noeldeke, *Z. A.*, XXVII, p. 178, and Cheikho, p. 189 f. The various references to the name "Yūsuf", found in Cheikho, are partly uncertain, and in part they belong to the period subsequent to Mohammed. The name "Yasāf", which Noeldeke had previously (*Beitr. z. Kenntnis der Poesie der alten Araber*, p. 56) attempted to combine with Joseph, belongs to "Isāf", a name which has been identified not only as the name of a deity, but likewise as that of a Khazrajite (I Hish. 321), whom Wākidi calls "Yasāf". Compare in this connection the interchange between the names "Usair" and "Yusair", and compare further Noeldeke, *Neue Beiträge*, p. 202 ff.

The name "Madyan" was known to Mohammed already in the II Meccan period (20:42; 28:21 ff.) as the stopping-place of Mūsā, who had met with daughters of the shaikh kabīr (= Jethro) in that place. However, not until the III Meccan period (7: 83ff., 11: 86; 29:35) does he place the name "Madyan" on a par with the expression, "Inhabitants of the Thicket" (ashāb al aika), to whom a warning was brought by Shu'aib (see below), while there is no further mention of the name "Madyan" in connection with Mūsā. After Mohammed had, in the interim, made "Madyan" (= *Moδiava* in Ptolemaeus 67, situated opposite the extremity of the Sinai Peninsula near the Arabian coast, see Noeldeke, "Encyclopedia Biblica", sub "Midyan") the scene of the exploits of Shu'aib it is probable that the other "Madyan", of which he had previously made mention, had become uncertain to him. Only the former Madyan, however, is to be regarded as a Biblical derivation

⁷ Whereas the Koran does not know of the names of Sodom and Gomorrah, Loṭ is called "akhū Sadūm", "the Sodomite", in a verse which is ascribed to Umaiya (XXXI, 1).

in the *Ḳoran*; the second Madyan he knew and became acquainted with as an Arabian name. Maryam, it is true, is known to Mohammed only as the mother of 'Isā; nevertheless, he designated her, at the same time, already in 19:29 (II Meccan) as the sister of Harūn, and later (3:31; and 66:12) likewise as the "daughter of 'Imrān". It is thus evident that he had become acquainted with the form of the name Maria, which had gone over from the Greek text of the Gospels (*Μαριαμ*) to the Syrians likewise, but it is clear that he had likewise heard of Miriam, the sister of Moses. When he got to know and learned of the names of the latter's father, he transferred it to Mary's father. It has been verified in several places that the name "Mārya" is a product of the pre-Islamic period, but this name, as is shown by the Greek transcription "*Μαρεαυη*", is to be regarded as the feminine form of "Māryā", "lord, master" (Noeldeke, *Die Ghassan. Fürsten*, p. 23), and must be coordinated with the name Martha. On the other hand, pre-Islamic bearers of the name "Maryam" cannot be ascertained. Of the persons quoted in Cheikho, p. 245, only Abū Maryam at the most might be taken into consideration as such (Ibn Duraid, 2:9, probably identical with Abū Maryam Iyās in Caetani, *Annali*, 12, par. 36, according to Ibn Hubaish), but this name, even though historical, could very well have been assumed by him after his conversion to Islam.

With regard to the name "Ba'l" it is mentioned as a proper name in 37:125, just as in I Kings 18:21, and may therefore have been borrowed from the Hebrew or, like "Ilya's", from the Christian—Palestinian. The Ethiopian has it as "ba'āl". Of course the word, even in pre-Islamic times, was not unknown in the signification of "God". (Compare Wellhausen, *Reste*², p. 146.)

The name "Isrā'il", with the exception of 3:87, where Israel. i. e., Jacob, is meant, and of 19:59, where the text is concerned with the descendants of Israel, appears in the II Meccan period employed only in connection with the Banū Isrā'il⁸, and is in

⁸ In contradistinction to the name "Yahūd", which is a designation for the Jews of his own time, Mohammed employs the name "Banū Isrā'il" only with reference to the Israelites of Biblical antiquity. Even 27:78 is

exact agreement with the Syrian form of the word⁹, while Umaiya in one passage uses the word "Isrāl", for sake of the rhyme (XXIX, 24). Those who are mentioned in Cheikho, p. 230, as having born the name all belong to a later period.

Of only slightly greater importance is the difference between the name "Ishāk" (first met with in II Meccan) and the Hebrew "Yiṣḥāk". However, in this instance likewise the form employed in the Koran corresponds exactly to the Syrian form of the word. The substitution of the "s" for the "ṣ" occurs already in the ancient Hebrew secondary or by-form "Yiṣḥāk". Umaiya (XXIX, 10 ff), does not mention it explicitly, and in Sura 37:100 too the name of the one to be offered up is not mentioned (see Goldziher, *Richtungen*, p. 79 f.). Of those who are mentioned in Cheikho, p. 229, Ishāk al-Ghanawi (according to Usd, Vol. I, 68), is supposed to have participated in the Hegira, but of this the older authorities know nothing.

With regard to the name "Isma'il" (first mentioned in II Meccan and equivalent to the name "Yishmā'el"), in addition to the substitution of "I" for "Yi" in which respect the Arabic form concurs with the Syrian form, it is likewise worthy of notice that the "s" is substituted for the "sh", which latter substitution occurs uniformly in the Koran in its transliteration of Biblical names.¹⁰ Compare for this point the transliteration of "Moshe" as "Mūsā", "Elisha" as "al-Yasa'", "Shelomo" as "Sulaimān", "Yeshu'a" as "Isā". In the South-Arabian inscriptions the occurrence of the name "Ysm'l" repeatedly has been verified (M. Hartmann, *Arab. Frage*, p. 252 ff.), likewise the name "Ysm'l" in the Safa language (see Littmann, *Zur Entzifferung der Safa Inschriften*, p. 58; Lidzbarski, *Ephemeris*, II, p. 44; cp. likewise the name "Εσμανηλος" in Waddington, 2247, dating from the year 341). However, in the case of the South-Arabian language it is not a question of an act borrowing but rather one of a formation of names

hardly to be regarded as an exception to this rule, as M. Hartmann (*Arab. Frage*, p. 620) maintains.

⁹ For its spelling compare Fraenkel, *Z. A.*, XV, p. 394. "Isrā'īn" occurs in an anonymous verse, *L. A.*, XVII, p. 351; Amāli, Vol. II, p. 46.

¹⁰ Rhodokanakis, *W.Z.K.M.*, XVII, p. 284, already refers to this fact.

independent of the Hebrew tradition even though corresponding thereto (thus D. H. Mueller, *W. Z. K. M.*, III, p. 225 against J. Derenbourg). From the fact that the word "Ibrāhīm" (see below) is manifestly formed after the pattern of "Isma'il", Lidzbarski (*Johannesbuch* XXVI) draws the conclusion that this latter name likewise, even in pre-Islamic times, had become known as a Biblical name in Arabia through the agency of the Jews, to whose interest it was to represent themselves as cousins of the Arabs. Of the entire list of alleged "companions" (of Mohammed), who are mentioned in Cheikho, p. 230, the one, "Isma'il az-Zaidi", as Usd has demonstrated in Vol. I, p. 79, belongs, at best, to the following generation, while the existence of Isma'il b. Abī Ḥakīm has been regarded as doubtful even by the Islamic authorities themselves (Usd, *ibidem*).

The name "Mūsā", which is mentioned already in the I Meccan period, will be found to represent the expected transliteration of "Moshe", when we consider what has been said above with reference to the fact that an Arabic "s" is equivalent to a Hebrew "sh"; or perhaps it represents a transliteration of the Syrian form "Mushe", or also of the Ethiopian "Mūsē"; in any case the "ā" must be pronounced with Imāla.¹¹ In Umaiya XXXII, 13 ff., a spurious passage, mention is made of the sending of Moses to Fir'aun. It cannot be verified that Arabians of the pre-Islamic times bore the name. It is true that Cheikho, p. 233, makes mention of a Mūsā b. al-Ḥārith, but this man according to I Hish. 211, is mentioned as having been born as the son of a father who at that time was already a Muslim. Compare *ibidem* 787:17. He mentions likewise the poet Mūsā b. Jābir (Khizāna, Vol. I, p. 146), but he, at any rate, according to Aghāni, vol. X, 115: 25, had lived to see Islam; and finally, Abū Mūsā al Ash'ari, who probably did not adopt the name until after his conversion.

The word "Saba" likewise, in 27: 12, equivalent to the Hebrew "Sheba", considered from an external point of view,

¹¹ For the Mandaean form "Mesha'", Jewish "Me'ashā", compare Lidzbarski, *"Johannesbuch"*, p. 79, Note 6; p. 245.

would belong to this discussion. But whereas in this passage the Biblical queen of Sheba is meant, Mohammed knows of the Southern Arabian nation of the Sabeans, 34:14, as a result of Arabian tradition, and it therefore does not have to be assumed that Mohammed first took over this name through Biblical mediation.

In the name "al-Yasa'", as Elisha, from the time of the II Meccan period on, is called in the Koran (in Syrian, the same; in Ethiopian, "Elesā"), we find, in addition to the substitution of the "s" for the Hebrew "sh", likewise the erroneous understanding of "el" to mean the definite article. A similar misunderstanding is in evidence in the origin of the name "Azar" (only in 6: 74 of the III Meccan period). S. Fraenkel, in *Z. D. M. G.*, vol. LVI, p. 72, has already correctly indicated the derivation of this Koranic name of Ibrāhīm's father from the Hebrew "Elī'ezer". At first this name of Abraham's servant was interchanged with "El'āzār"; then the syllable "el", which was taken to be the article, was left out; then the "ā" was substituted for the "ē", with the result that the name finally became "Āzar". Ibn Ishāq mentions a certain 'Āzar, (but there with an "Ain") as an alleged Jewish opponent of the prophet Mohammed at Medina (I Hisham, 352:6). On the other hand, al-'Aizār (Ibn sa'd, vol. VI, 214), and al-'Aizāra (Yaḡut, vol. I, 333; vol. II, 204), are genuine Arabic names.

The tendency to make foreign names resemble Arabic formations is noticeable in the changes which a great number of Biblical names have undergone in the Koran. To this class the name "Adam" already belongs (employed from the II Meccan period on), where, in contradistinction to the name "Hāmān", the second long "ā" seems to have been shortened and where the word is understood to be an af'al formation from "dm", which is likewise actually employed in Arabic in an appellative manner as a designation of color. Ufnūn, *Mufaḍḍaliyāt* (ed. Lyall, LXVI, 2), makes mention of "wuld Adam", "the children of Adam", and 'Adi LXV (in my edition (in progress) after F. Krenkow's data and materials), gives a detailed account of his history.¹² However, no persons are known of who bore

¹² The name "Ḥawwā" (equivalent to Eve) occurs in an alleged verse

this name during pagan times, for Ādam b. Shadkām, who is mentioned in Cheikho, p. 229, is a poet of the Islamic period, who, for example, in Yaḡūt, vol. III, 373 makes mention of Baṣra, and Ādam b. Rabī'a, who, according to Ibn Duraid, was killed during the pagan period, never bore this name in actuality. As Hishām Ibn al Kalbi has already recognized, in Ibn Sa'd, Vol. IV, a, 33, the name "Ādam" in this case is a mistaken reading from "dam" (blood), and the name of this alleged Adam was in reality "Tammām" or "Iyās".

Ayyūb, a name employed since the II Meccan period and equivalent to "Hiob" (Job), owes its formation to the fact that it was built up after the pattern of an Arabic fa"ūl. Ayyūb, even in pre-Islamic times, was the name of the grandfather of the Christian poet 'Adi, who (the former) had already become a Christian. 'Adi himself mentions this name in IX, 2. See likewise Noeldeke, *Geschichte der Araber u. Perser*, p. 312, Note 5; Rothstein, *Lachmiden*, p. 116. Another Ayyūb is mentioned in Nābigha II, 17. No decision can be rendered as to whether or not Khālid b. Zaid of Medina bore the Kunya of Ibñ Ayyūb even before his conversion (see Ibn Sa'd, Vol. III, p. 49 ff.).

The word "Jibrīl" likewise, the name of the angel Gabriel which is first mentioned in Medina, represents a formation built up after the pattern of an Arabian fi'līl. The same form is found in contemporaneous poems (see Noeldeke—Schwally, vol. I, p. 21, Note 1), but in addition to this form there occurs likewise the form "Jibrāil" (ibidem), which latter word has been influenced in its formation by the names "Isma'il" and "Ibrāhīm" (Lidzbarski, *Johannesbuch*, XXVI,) if not by the Hebrew name "Mikāēl". Of course the last-mentioned name is known in

of 'Adi in Cheikho, p. 258. Usd, vol. V, p. 429 f., mentions several bearers of the name, but they are all one and the same person. I cannot enter into a more detailed discussion of this point in the present article. One of them, according to several authorities, is supposed to have done homage to the prophet but this is disputed by Ibn Sa'd, vol. VIII, 232. It would not be strange that a heathen Arabian woman should have borne this name, since it is quite possible that the name may be a genuinely Arabian one (the feminine of "aḥwā"); as a matter of fact even Dhūr Rumma XXX, 42 mentions Iḥawwā as the name of a mare.

the *Ḳoran* only under the form “*Mikāl*” which likewise does not occur until the Medina period. In the case of this form as contrasted with the Hebrew form it is not so much an example of the swallowing up of a vowel (Rhodokanakis, *W.Z.K.M.*, Vol. XVII, p. 282), but it is rather a case of an adaptation of the Hebrew form to the Arabic *mif’āl* as derived from the Arabic “*w k l*”. The name “*Mikāl*” is found likewise in *Ka’b b. Mālik*, *I Hish.* 528:3; *Umaiya* LV, 8.

Furthermore, the name “*Sainā*”, 23:20 (II Meccan), for Sinai, would belong to this group, if this were the original reading and not the form “*Sinā*” which has likewise been handed down. In that case the name would have been formed after the pattern of the feminine formation *fa’lā*. At all events the form employed in the *Ḳoran* is closer to the Ethiopian and Christian—Palestinian “*Sinā*” than to the Hebrew and Syrian form “*Sinai*”. For the rest, Mohammed was acquainted with this name already in the first period, because he employs it in 95: 2 under the form “*Sinīn*” which he altered thus for the sake of the rhyme.

An example of a name formed in accordance with a genuine Arabian name which was current in pre-Islamic times is “*Imrān*” (the *Ḳoranic* form of the Biblical “*Amram*”) whom Mohammed erroneously mentions in the Medina period as the father of Mary (see above). The Syrian, too, has “*Amram*” (Ethiopian *Embarem*) and although *Lucian*, *Numeri* 3: 19 has the reading “*Αμβραν*” (instead of the usual “*Αμραμ*” “*Αμβραμ*”), the *Koranic* *Imrān* is not to be considered as an example of the influence of this isolated form. Rather must we assume the genuine Arabic name “*Imrān*”, which is found transcribed as “*Εμρανης*” in a Hauranian inscription (*Ephemeris*, vol. II, p. 331), to have brought about the change from biblical ‘*Amram* to *Koranic* ‘*Imrān*. A certain *Abū ‘Imrān* is found mentioned in *al-A’shā* (Geyer, *Zwei Gedichte*”, vol. III, p. 188, note); mention is made of a certain *Abu Wahb* in Mecca who belonged to the clan of ‘*Imrān b. Makhzūm*, *I Ḳutaiba*, *Ma’ārif*, 223; and in the genealogy of *Ḳudā’a* a man named ‘*Imrān b. al-Ḥāf* is mentioned in *Ibn Duraid*, 314, all these being instances of the genuine Arabic name having been in use in preislamic times.

The observation was made quite some time ago that a series of *Ḳoranic* forms of Biblical names are based upon the

adaptation of the name to the form of a second name which belongs to the same group as the first and which appears in connection with it. An example of such a coupling of names is furnished by the names "Mūsā" and "Isā" (equivalent to Jesus; this has already been indicated by Fraenkel, *W.Z.K.M.*, vol. IV, p. 336), into a discussion of which latter name I do not intend to go in detail at the present time. Similarly, "Ibrāhīm", (found as early as in the first Meccan period), equivalent to Abraham is to be explained on the ground of a formation patterned after the name "Isma'il" (thus likewise Rhodokanakis, *W.Z.K.M.*, vol. XVII, p. 283; Lidzbarski, *Johannesbuch*, p. 73, and *Ephemeris* Vol. II, p. 44, which latter authority denies the possibility that there is some connection between the Mandaean name "Brāhīm" and "Ibrāhīm"). For the rest, Umaiya too, XXIX, 2, employs the form "Ibrāhīm". On the other hand, not much reliance can be placed in the alleged verses of Zaid b. 'Amr (I Hish. 147; according to L. A., vol. XIV, p. 314, Jawālīkī 9, 'Abdal—Muṭṭalib is their author), in which, in conformity with the rhyme, the form "Ibrāhīm", with a short "i", is employed. Still less can reliance be placed in the fact that in alleged verses of Waraḡa (Shu'arā 617) and Samaual, 30, Ibrāhīm is called "Khalīl Allāh.", "friend of God", as likewise Sura 4:724 (compare Noeldeke-Schwally, I, p. 147, note 2, to which passage even the Book of Jubilees 19: 9 can be added). According to Ibn al Kalbī, T. A. vol. I, p. 151, an uncle of 'Adī b. Zaid had the name of Ibrāhīm; yet perhaps this fact does not necessarily have to mean that this Christian of Ḥira must have borne the name in this form and pronunciation and not in the form "Abraham" which was of customary usage among the Syrian Christians. A Kinditic contemporary of the prophet, by the name of Ibrāhīm, is mentioned by Ibn al Kalbī in *Usd*, vol. I, p. 43; all the other alleged "companions" by this name (*Usd*. vol. I, pp. 38-44) are partly uncertain, partly unhistorical, or they were not born until after Mohammed's appearance. At any rate, it is probable that this form of the name, "Ibrāhīm", was not first devised by Mohammed. Ibn Ishāq (I Hish. 352) makes mention of a Jewish contemporary of the prophet, Silsila b. Barhām, which latter name, according to Fraenkel in the *W.Z.K.*

M., Vol. IV, p. 338, is identical with "Abraham" (compare *Λαζαρος*" with "El'azar"). However, the list of the Jewish enemies of Mohammed to which this name likewise belonged has practically no historical value whatsoever. On the other hand, from traditions as well as from inscriptions, we are acquainted with a Southern Arabian name which although resembling Abraham has no etymological connection with it, i. e., "Abraha" (Aghāni, Vol. VI, 33). The best-known bearer of this name was that Christian governor of the Negus to whose expedition against Mecca reference is supposed to be made in Sura 105, and who calls himself "'brh 'zli" in his inscription, Glaser, 618:4 (Glaser, *Zwei Inschriften*, p. 31). Compare further Buhl's article "Abraha" in the *E. I.*¹³

Several further examples of formations of names in pairs belonging to this class are: "Hārūn" (equivalent to "Aharon" ("Aaron")) and "Ḳārūn" (equivalent to Ḳorah); "Jālūt" (equivalent to "Goliath) and "Ṭālūt" (equivalent to "Shaul" "Saul"); "Yājūj" (equivalent to "Gog") and "Mājūj" (Magog); "Hārūt" and "Mārūt". It is perfectly self-evident that Hārūn", "Jālūt", and "Mājūj were the models after which the formation of the names "Ḳārūn", "Ṭālūt", and "Mājūj" was patterned. However, with the exception of the name "Mājūj", which (see above) corresponds exactly to its Biblical original, even these forms will require further discussion, inasmuch as neither "Hārūn" nor "Jālūt" are in exact agreement with the corresponding forms of the Hebrew text or with one of the translations of the Bible with which we are concerned. "Hārūn", mentioned ever since the beginning of the II Meccan period, represents a patterning of the Hebrew or Syrian form ("Aharon") after the model of the Arabic formation fā'ūl. The poet 'Abbās b. Mirdās (I Hish. 660:3) calls the Hebrew tribes

¹³ Sarah is not mentioned by name in the Ḳoran. A pre-Islamic Jewish poetess by this name in Medina is mentioned in Aghāni, Vol. XIX, 96. See likewise Noeldeke, *Beiträge zur kenntnis der Poesie der alten Araber*, p. 53. Another poetess by this name, a manumitted woman in Mecca, composed abusive verses against the prophet. For her fate compare the statements found in I Hish. 820, equivalent to Tabari, 1441, and Wākidi (Wellhausen) 347, both of which passages are in conflict with one another.

of the Naḍir and the Quraiza "al-Kāhinān", which is equivalent to "ha-Kohanim", and Ka'b b. Mālik (ibidem, 66.1:8) employs the same designation. The passage in 'Abbās continues as follows:

"fa-bakki banī Hārūna wadhkur fa'ālahum
wa-qatlahumu lil—jū'i idh kunta mujdibā",
"Weep therefore for the sons of Aaron, and remember
their deeds,
And how they killed the famine, when thou didst suffer
want."

From this passage it is evident that it was known that the Kohanim were the sons of Aaron, and the employment of the form "Hārūn" on the part of the poet, who at that time was still a pagan, makes it very probably that at that time the name was current in Medina under this form. Another pagan poet, Dhu'l Iṣba', mentions a certain woman, Raiyā, who bore the surname "Umm Hārūn" (Aghāni, Vol. III, 9, Shu'arā 636, *Mufaḍḍaliyāt* ed. Lyall, XXXI). On the other hand, the verses of Umaiya XXXII, 14 ff. which are devoted to the Biblical Harun are merely paraphrases of the corresponding verses from the Koran. If the Ausit Harun b. an-Nu'mān (Aghāni, Vol. XV, 161 see likewise Cheikho, p. 234) is to be understood as having belonged to the pre-Islamic period, a statement which is not altogether certain, it would prove that even at that early period the name was not met with only among the Jews in Medina. Only late statements report that the real name of Musailima was Hārūn b. Ḥabīb (Diyārbakrī Khamīs, vol. II, 174). The data which have been presented herewith make it probable, at any rate, that the name "Hārūn", even before the time of Mohammed, was known in Arabia under this form.

The name "Jālūt" is found in the Koran only in 2:250 ff., in a passage belonging to the Medina period. Here Jālūt is the adversary of Ṭālūt (equivalent to Saul, see below), who in this passage is undoubtedly confused with Gideon, Judges 7.¹⁴

¹⁴ H. von Mzik attempts to explain this confusion of names on the ground of certain similarities which Judges 7:2-8 and I Samuel 17:1ff. have in common with each other (*W.Z.K.M.*, Vol. XXIX, p. 372, Note 1).

Mohammed, in order to have made "Jālūt" out of "Goliath", must have had vaguely in mind a word which he may very well have heard uttered many times by the Jews of Medina, i. e., "gālūt", "exile". It was after the pattern of this word that he formed his name for Goliath. The name "Jālūt" is found likewise in Samauel II, 18, but Noeldeke (*Z. A.*, vol. XXVII, p. 178) has already proved that the verses in which this reference is made are of Moslem origin.

Ḳārūn, it is true, whose name does not appear until the time of the III Meccan period, is not found mentioned anywhere in the Ḳoran alongside of Hārūn, and yet there can be no doubt that the form is based on a parallel formation built up after the pattern of "Hārūn". For the Mandaean "Krūn" compare Brandt, *Mandäische Schriften*, p. 149.

Ṭālūt, like Jālūt, is found mentioned only once, not until the Medina period. The changing of Saul's name to "Ṭālūt" was evidently produced in the mind of Mohammed by the recollection of Saul's unusual size (I Samuel 9: 2; 10:23 this statement has already been made by Geiger, p. 179), which suggested to him the Arabic word "ṭāla", "to be long". The name "Ṭālūt" is found likewise in the same poem of Samauel, but this poem has already been characterized as spurious.

"Yājūj" is mentioned in 18: 93 and 21: 96 in conjunction with "Mājūj", both of these passages being a product of the II Meccan period. If Mohammed transformed "Gōg" into "Yājūj" he may have been influenced therein by the Syrian form "Agog", for this form occurs, for example, in the Syrian "Song of Alexander" (Budge, *Z. A.*, vol. VI, p. 359; Hunnius, *Z. D. M. G.*, vol. LX, p. 170). The shutting in of the nations of Gog and Magog, 18:93, by the "two-horned" had become known to Mohammed through the Syrian legend itself or through a version thereof which was very similar to it, and likewise the breaking-forth of these nations in the end of time is expressed in the Syrian legend also. See Noeldeke, "*Beitr. zur Geschichte d. Alexanderromans*", p. 29. For the Mandaean names "Hag" and "Mag", which are similar in sound to "Gōg" and Magog", compare Brandt, *Mandäische Schriften*, p. 144. The names

"Yājūj" and "Mājūj" are found likewise in the spurious verse of Imrulḳais, App. XXV, 4.

It is uncertain whether or not the names "Hārūt" and "Mārūt" in the final analysis go back to Jewish tradition. They are met with only in 2:96 (Medina) as "the two angels in Bābil, who do not teach anybody anything (of their magic) without saying 'We are a trial' ". Lagarde *Gesammelte Abhandlungen*, p. 15, p. 169, identified them with the "Haurvatāt" and the "Ameretāt" of the Avesta, an identification which was arrived at by F. C. Andreas likewise independently of Lagarde. Andreas makes mention of the Avestan forms "harvotāt" and "amurtāt" (see Littmann, *Festschrift F. C. Andreas*, p. 84). These two feminine figures, whose names signify "Perfection" and "Deathlessness", represent the reward which is promised to the blessed in the time after their death (Jackson, *Grundriss der Irenischen Philologie* vol. II, p. 638) and therefore have a different function from "Hārūt" and "Mārūt". We would be entitled to conclude that Mohammed probably became acquainted with their names in the form in which they are found in the Avesta—in Pehlevi the names are given as "Khurdāt" and "Amurdāt"—and then employed them as a designation for angels to whom an entirely different function is ascribed, only in case traces that he was acquainted with them from sources outside of Parsism could be detected, for yet there has been found no proof of direct influencing of the Koran by Iranian religious conceptions.

Now Bousset, *Religion des Judentums*, p. 560, has already called attention to a passage in the Slavonic Book of Enoch, in which the angels Orioch and Marioch receive the command "to keep the page (upon which the revelations which were made to Enoch are written) for the times (to come)", (Rec. 3, XXXIV). On the other hand, in the Ethiopian Enoch, 7: 1, it is stated that the angels taught men "magic arts formulas for conjuring, and the method of cutting up roots", a passage which Littmann, *l. c.*, p. 83, pointed out with decided emphasis. Accordingly I am inclined to the belief that Mohammed, who had found out about this activity of the angels, attributed to them names which, in the final analysis, are identical with those employed in the Slavonic Book of Enoch. It is forsooth by no means

certain that the names of the angels who are mentioned in the original text were preserved unaltered in the Slavonic translation which alone has been preserved for us. Accordingly it is possible that in the name "Orioch" we have an example of a parallel formation based upon the form of the name "Ariokh" mentioned in Genesis 14:1, and that the reading of the name in the original text was altogether different from the present form. In addition, it may be stated that in this Ḳoranic coupling of names, as is the case with all the other examples of its kind, the probability is that the one name was made to conform to the other (see likewise Wensinck, Article "Hārūt", in *E. I.*). The Syrian word "Mārūt", "mastery, lordship," may very well have been known to Mohammed (as already observed by Wensinck in the article listed above), but he may have heard it not only as a noun, but likewise as a proper name. At any rate, several bearers of this name played an important role in the history of Syrian Christianity (Duval, *Histoire de la Littérature Syriacque*, p. 132 ff.; Luebeck, *Die Altpers. Missionskirche*, p. 54). I do not regard it as probable that Mohammed could have chosen the word "Mārūt" as the translation of "'Azāēl" (thus Wensinck, in the above-quoted article), as the corresponding angel is called in Jewish tradition. For just as certain as it is that the narrative concerning Shemḡazai and 'Azāēl (which was first quoted by Geiger) is the source for the later versions (for these compare Littmann, *l. c.*; Heller, *R. E. J.*, vol. LX, p. 203 ff.) of the Ḳoranic allusion, just as little does the Ḳoran itself offer any evidence of the theory (see likewise Littmann, *l. c.* p. 87) that Mohammed may have had this narration in mind. Perhaps therefore Mohammed had become acquainted with the names of the angels which are mentioned in the Slavonic Book of Enoch under their original form which is now lost to us, that he formed the one after the pattern of the Syrian formation "Mārūt", and that he recast the other in such a way that it corresponded to the first.¹⁵

¹⁵ Another Biblical example of a parallel formation of names of the class which has been discussed herein is that of "Hābīl" and Ḳābīl", which are equivalent of Cain and Abel. This pair however, is not met with until post-Ḳoranic times. Here the name "Kābīl" is formed after the model of the

The word "Daud" (equivalent to "David"), likewise is to a certain extent similar to the names which we have discussed before, in so far as this name too could be classed under the category of a fā'ūl formation. In the *Ḳoran* this name appears for the first time in the II Meccan period, but even before the time of Mohammed (21:80; 34:10) Daud was renowned as a maker of armor, cf. the passages quoted in Fraenkel, p. 242; Geyer, "*Zwei Gedichte*", vol. I, p. 176 f.; Cheikho, p. 272 f.; furthermore, Bānat Su'ād, 53, *L. A.*, vol. IX, p. 87 (a "Hudhailit", according to Jamhara 9, Abū Dhu'aib); Zuhair XVII, 24; al-Aswad b. Ya'fur, *L. A.*, vol. XV, p. 193; al A'shā in Buḥ-turī, Hamāsa, CCCIV, 2. If originally by this name of David a Jewish armourer in Arabia was meant, then the probability is that even before the time of Mohammed he and King David were considered to be one and the same person. When Salāma (ed. Huart), II, 26 makes mention of the "texture of Daud and of the family of Muḥarrik" (similarly, Bujair, I Hish. 876), by which latter expression the Lakhmides of Hira are to be understood, he may have had in mind thereby Daud al-Lathiḳ, the Christian phylarch of the house of the ʔaja'ima, who preceded the Ghassāns (see Nøeldeke, *Die Ghassanischen Fürsten*" p. 8) and who, at the same time, preceded the oldest Arabian bearers of this name known to us. Not only the name, but likewise the form of the name employed in the *Ḳoran*, are proved to be pre-Islamic by the poets, because although "Dāwidu", the exact transcription of the Hebrew form, is of the same metrical value as "Dāudu" (u=vu), and could thus originally have been pronounced in the place of this latter form and might have been replaced by the form "Dāudu" only after in the post-*Ḳoran*ic period, this statement would no longer hold true of the form "Dāudu", which, however, the poets employ likewise, according as metrical necessity dictates. Wellhausen (*Skizzen u. Vorarbeiten*", vol. III, p. 200), was of the opinion that the form "Dāud" originally was to be explained as a transliteration of "Dawid", and he wished to draw the inference that it was formation of Hābīl", just as the Mandeian "Shītil" (equivalent to Seth) is built up after the formation of the name "Hibil". See Lidzbarski's "*Mandäische Liturgien*", p. 280.

taken over into the language from the written form. But as a matter of fact the transition of this name can easily be understood on the ground of its pronunciation (a statement already referred to in Rhodokanakis, *W.Z.K.M.*, Vol. XVII, p. 283), i. e., under the influence of the radical sound "w" the following became changed to "u". Likewise among Mohammed's, "companions" we find a Medinan who bore the name Abu Daud (I Hish. 505: 6; Wāḫidi, Wellhausen, p. 88; Ibn Sa'd, Vol. III b, p. 74).

Daud's son "Sulaimān (equivalent to "Solomon") is found mentioned in the *Ḳoran* for the first time in the II Meccan period. Lagarde explained this nominal form as the diminutive of "Salmān" (*Übersicht*, p. 86); a similar explanation was given by Brockelmann (*Vergl. Grammatik*, vol. I, p. 256), but he points out at the same time the dissimilation of "u" and "ō" to "ū" and "ē" respectively which appears in the Arabic as well as in the Syrian ("Shelemōn") form in contrast with the Hebrew "Shelōmō". Lidzbarski, *Johannesbuch*, p. 74, note .1, regards the form "Sulaimān" as an original, genuine Arabic diminutive, which form then, perhaps through the agency of the Jews, traveled northward to their co-religionists who spoke Aramaic and who finally produced therefrom the form "Shelēmōn", then taken over into the Syriac. That the Arabic form, either directly or through the agency of the Jews, was taken over into the Syriac is regarded as improbable by Noeldeke, *Z. A.*, Vol. XXX, p. 158, in opposition to Lidzbarski. On the contrary, he regards it as more probable that the Syrian "Shelēmōn" is to be explained as an adaptation to the form "Σολομων" the second "o" being changed to an "ē" as we find it likewise in the case of the name "Jeshū'a" which was adapted from the form "Jōshū'a".

It has been ascertained that "Salmān" is a pre-Islamic name, which is known of likewise in the Southern Arabian inscriptions, *W. Z. K. M.*, vol. X, p. 15, as well as in the Lihyānian inscriptions; see Mueller, *Epigraph Denkmäler*, p. 75; Nabatean, *C.I.S.*, vol. II, No. 294. The form "Salāmān" too is proved to be of pre-Islamic origin, to which form the Hebrew "Shelōmō" corresponds and which is a designation for a kind of

tree (Hātim Ṭai, XLIX, 23; LV, 3; Ibn Duraïd, 231; Mufaḍḍaliyāt, Lyall, XX, p. 28). The name "Sulaimān" would seem to be the regularly formed diminutive of "Salmān" as well as of "Salāmān". It may therefore be assumed that when the Arabs first became acquainted with the name of Solomon, presumably under the Syrian form "Shelēmōn", they took it to be a diminutive of "Salmān" or "Salāmān". That "Sulaimān" even in pre-Islamic times was known in Arabia is evidenced by the poets, who mention him either as a king, a great builder and ruler of the Jinn, or, in connection with his father David as an armourer, 'Adi, XXII, 6; Nābigha, V, 22ff. (according to Ahlwardt, *Bemerkungen*, 41 spurious), XX, 25; alA'shā in Pseudo Balkhi, vol. III, 108, Bakri, Vol. I, 62, Yāqūt, I, 96, Jāhiḡ Ḥayawān, vol. VI, 58, Shu'ara, 375, Buḥturi CDIV; Labīd, XLI, 33; Aus b. Hajar, XXIX, 12; Ḥuṭai'a, XI, 11, where "Sallām" is identical with "Sulaimān". It would therefore not be remarkable even if we were to meet with several bearers of the name in the pre-Islamic period. Sulaimān b. Asad, who played a part in the early history of Medina (Wellhausen, *Skizzen*, Vol. IV, p. 55), belonged to the Ḳuraiḡa and was therefore a Jew. In case he actually bore this name, it would prove that the Arabian Jews likewise made use of the Arabicized form which had been derived from the Syriac. The older sources do not know of Sulaimān b. Ḥārith, who is mentioned by Ibn Duraïd, 268, as a participant in the battle of Badr. Among those who were killed at Bi'r Ma'ūna, on the other hand, (in the year 4H.) Waḡidi already mentions Sulaimān b. Milḥān an-Najjari, therefore a Medinan of non-Jewish descent. The "companions" whose names are quoted in Cheikho, p. 232, in accordance with Usd, vol., II, p. 350, are all doubtful, to say the least, as can be perceived even from the articles of Usd himself. Sulaimān b. Ṣurad alone is worthy of consideration in this regard, but his name was originally Yasār, and not until a later time did Mohammed change his name to Sulaimān, Ṭabari III, 2334 f. Sulaimān b. Naufal, the pagan arbitrator whose name is cited by Cheikho from Ya'ḳūbi, vol. I, 299, is otherwise unknown. Sulaimān b. Ḳatta, whose name is quoted likewise by Cheikho according to Ḥamāsa 435, dates from the Islamic period,

as is shown by his poem addressed to the dead at aṭ-Ṭaff; cf. further Aghāni vol. XVII, 65; Ibn ẖutaiba, Shi'r 4, note. Thus, upon more detailed examination, the number of those alleged bearers of this name who date back to the pre-Islamic period reduces itself to two, and even these two, Sulaimān b. Asad and Sulaimān b. Milḥān, are not entirely free from all suspicion.

An Arabic diminutive such as we found in the word "Sulaimān" is met with likewise in the name "'Uzair", the ẖoranic designation for Ezra, whom Mohammed mentions only once, in a passage which is a product of the Medina period. I Hish. 352 knows of an alleged Jewish contemporary of the prophet in Medina by the name of 'Uzair. How easy it was for the Arabs to form diminutives even from foreign names is shown by the form "Fuṛai'" used in Umaiya, Fragment, V, 2, the diminutive of "Fir'aun", which is equivalent to Pharaoh. "Fir'aun" belongs to the list of names which are mentioned by Mohammed as early as in the I Meccan period. The form corresponds exactly to the form "Per'ōn" which was current among the Syrians. "Fir'aun" appears likewise in Zuhair, XX, 13, but this poem is just as spurious (Ahlwardt, *Bemerkungen*", p. 64) as Umaiya, XXXII, 13ff. On the other hand, the attempts which were made to cast suspicion upon Umaiya, XXXIV, 14ff. have not been substantiated.¹⁶

In connection with the names "Sīnā" (Sainā) and "Sīnīn" (see above), Mohammed repeatedly uses the Aramaic noun for "mountain", i. e., "ṭūr", of which an example is found in a passage as early as 96:2 (I Meccan). But in an equal number of other places he employs the phrase "aṭ-ṭūr", without the further employment of any expression equivalent to "Sinai". By "aṭ-ṭūr al aiman", 19:53; 20:82, however, he means, not

¹⁶ The wife of Fir'aun, to whom the passage in 28:8 and 66:11 makes reference without mentioning her name, receives the name of "Asiya" in the post-ẖoranic period; cf. Wensinck, E. I., s. v. This name, in my opinion, owes its origin to the fact that it was confused with "Asnat" (Asenath, Genesis 41:45) who subsequently became the heroine of the apocryphon which is found printed in Land, *Anecdota*, Vol. III, p. 18ff. For further literature on this subject see the list quoted in Schuerer, vol. III⁴, p. 401 f. In the Arabic script it was very easy for an "n" to be changed to a "y".

the mountain of the giving of the law, but the place in which Moses received his summons, i. e., the burning thorn-bush (Cf. likewise 28:30, "al wādi 'l aiman", and in addition, "aṭ-ṭūr" in the preceding verse). Since the locality of the thorn-bush, at least ever since the fourth century, had already been established as being on Mount Sinai (see Moritz, *Sinai-Kult*, p. 59), Mohammed chose as a designation for it the term which he had ordinarily employed for Sinai, with this addition however, that he qualified it with an adjective. Nonnosus, too, about the year 540, testifies that the name "Ṭūr" was employed as a designation for Sinai (Ταυρηων ορῶν, Moritz, *l. c.*, p. 11). This originally Aramaic designation had become known to Mohammed likewise, whether it be that it was current at that time in Arabia even in other places, or that he had heard of it from Jews or Christians.

Two other names may be taken up at this point, names in which the forms as we have them in the *Ḳoran* can be proved to have been taken over through Christian mediation, i. e., "Yūnus" (equivalent to "Jonah"), and "Ilyas", (equivalent to "Elijah"). "Yūnus", 37: 139 seq., (II Meccan period) deviates from the Hebrew form as well as from the Syrian form "Yaunān". On the other hand, the Ethiopian has the reading "Yūnās", and the Christian-Palestinian has the form "Yunis", both of them representing a rendering of the form "Iωνᾱς" of the Septuagint. In the Arabic form the "i" is assimilated into the "u", as we have seen was the case with the name "Yūsuf". Since we can hardly presuppose that the Greek form of the name was taken over without intermediary agencies, one would naturally think of Abyssinians or Palestinian Christians as the agents by means of whom the form was adopted. According to Pseudo Balkhi, vol. I, 76 (quoted in Cheikho, p. 276,) "Yūnus" is supposed to have been mentioned likewise in a verse of Abu Ḳais, but the metrical difficulties of this passage which were observed even by Cheikho will disappear if we read "bu's" instead of "Yūnus", which former word is given in I Hish., 349 and which alone fits into the context. Umaiya, XXXII, 21, and Fragment, 7: 2 are both spurious. The "companions" by the name of "Yūnus" who are quoted by Cheikho, p. 234,

according to Usd, are either unknown to the older authorities or else they are uncertain.

In the same Sura as that which relates the story of Yūnus, the story of Ilyas likewise is reproduced. In one passage, for the sake of the rhyme, his name is given as "Ilyāsīn" (37:130). First of all, with regard to the latter form, the change was rendered all the easier by the fact that there was thus produced a reminiscence of two names which are letters of the alphabet ("ya" and sin"). Even the form "Ilyas" represents a radical deviation from the Hebrew as well as from the Syrian form of the name, but it is in exact agreement with the Greek form "Ἠλίας", which was taken over into the Ethiopian likewise under the form "Elyās". Mohammed undoubtedly heard the name from Christians, either Abyssinian or Palestinian ones. In Waddington likewise Ἠλίας is found as the name of a person and also, in many places, as the name of the prophet himself (according to Chabot's Index). Perhaps there is a particular reason for the fact that the first syllable of the name "Ilyas" was not explained to be the article, as was done in the case of "al-Yasa'". Arabian genealogy mentions al-Ya's as the son of Muḍar, and it is probable that it was intended to prevent the name of the prophet from being confused with the name of this heathen ancestor.

A number of names found in the Ḳoran, for example, Shu'aib, Hūd, Luḡmān, Idrīs, are explained in Mohammedan tradition, as well as in the more recent investigation which followed it, in part, as designations for Biblical names. As a matter of fact, however, these names do not show even a remote connection with any Biblical heroes.

Shu'aib appears in the II Meccan period (26:177ff.) as the warner of the "aṣḥāb al aika" (see below), who declare him to be a liar and who receive their punishment therefor. In the III Meccan period (7:83ff.; 11:85ff.; 29:35) Shu'aib is introduced as "akhu Madyan", as a Midianite, while the contents of the warnings which were directed by him to the Madyan are in exact agreement with those which have previously been imparted to the "aṣḥāb al-aika" (Compare likewise Noeldeke—Schwally, I, p. 151, Note 9). For Mohammed, therefore, Shu'aib was the prophet of the "inhabitants of the thicket"

("aṣḥāb al aika"), whom he subsequently regards as identical with the Madyan. The name "Shu'aib", a diminutive of "shi'b" or of "sha'b", which noun may have several different meanings, is not a product of pre-Islamic times, for no example of its use has been adduced. (The list reproduced in Wuestenfeld, "*Genealogische Tabellen*", 5:20, bears characteristics of Islamic origin; by reason of the mention of Shu'aib's alleged daughter "Ṣafuriya", which is equivalent to "Sippōra", it is evident that some biblical influence is manifest therein). The traditional identification of Shu'aib with Jethro is the result of the comparison of Biblical and Ḳoranic statements. Since Shu'aib appears as the "Warner of the Madyan" in the III Meccan period, it was believed that the "Priest of Midian" mentioned in Exodus 3:1 was to be recognized in him. That the Biblical narrative concerning Jethro was known to Mohammed is proved by 28:22ff. (likewise III Meccan). In this passage, however, Jethro is not mentioned by name, nor is any mention made of his priestly office. His daughters designate him as a "shaikh kabir", as an "elder" (Hebrew "zaḡen"), among the Madyan. For Mohammed Shu'aib was a figure of the Arabian, and not of the Biblical, previous ages, a figure which he portrayed as that of the "Warner" of the Madyan (formerly called "aṣḥāb al aika"), just as he portrayed the figure of Ṣāliḥ as the warner of the Thamūd, and that of Ḥud (see below) as the warner of the 'Ād. Noeldeke (Article "Midyan", in the *E. B.*) who arrived at a similar conclusion by pursuing a different path, believes that in the person of Shu'aib a figure appertaining to the tribal tradition of the Madyan may have been preserved. Mention is made of Shu'aib by the Medinan "companion" Nu'mān b. Bashir, II, 10 (ed. Dehli).

Hūd, who is mentioned as the warner of the 'Ad for the first time in 26:124 (II Meccan period), has been identified by Geiger, who follows Islamic tradition in this matter, with 'Eber. The Arabian Jews, who called themselves "Yahūd", and "to whom it was known that their name was to be derived from an ancestor ('Ibri, from "'Eber"), believed that it was the one which was then current and usual, and for this reason they called this elder "Hūd". These words of Geiger (p. 111 of his book)

form an approximate reproduction of the train of thought with the aid of which the identification of Hūd and 'Eber in post-*Ḳ*oranic times was brought about. However, the attempt which Geiger made to prove that behind the *Ḳ*orahic name "Hūd" the name "'Eber" likewise is actually concealed and that the latter therefore was meant by Mohammed himself was not successful. Hūd too for Mohammed, is the warner of an *ARABIC* tribe of previous ages, and his history, too, of course, like that of Sālīḥ or of Shu'aib, he embellishes and provides with features which were taken from Biblo-Haggadic prototypes. Perhaps the name "Hūd" is an invention on the part of Mohammed, who then, while looking for a name for the warner of the 'Ād which should be in accord with names like "Lūṭ" and Nūḥ", may have made "Hūd" out of "Yahūd" (for which, even in the Medina passages, the name "Hūd" is employed several times, 2 105, 129, 134). Or perhaps, but this hypothesis is less probable, a genuine Arabian name is present in the name "Hūd"; A. von Kremer, *Über die südarab. Sage*, p. 23 f., reminds us of the fountain of Barahūt in Ḥaḍramaut, notorious for its sulphur fumes which in antiquity was regarded as the source of the Styx and where, even up to the present time, the tomb of Hūd is venerated. See Schleifer's article on "Barahūt" in the *E. L.*, and Wensinck's article on "Hūd" in the same place.¹⁷

Luḡmān, whose warnings directed to his son are quoted in 31:12 ff., (III Meccan period), is designated in Islamic tradition as the son of Bā'ūr b. Nāḥūr b. Tārakh. This same genealogy is given by as early an authority as Ibn Ishāḳ, in *Tha'labī 'Arāis* (ed. 1301), 266, although this self-same Ibn Ishāḳ is aware of the fact that Balaam is the son of Be'ōr (see Tabari, I, 508). Now although, perhaps, these older authorities, on the ground of the statements which were taken over from their Jewish authorities by whom they were vouched for, identified Luḡmān

¹⁷ "Iram" likewise, "abounding in columns", 89:6, which Geiger (p. 115) attempted to identify with Aram (similarly Loth, *Z.D.M.G.*, Vol. XXXV p. 628) manifestly belongs to the list of those names which have their origin in ancient Arabian tradition. The poets frequently mention it as one of the nations of previous ages, and it appears repeatedly in Arabia as the name of a place.

not so much with Balaam as with the Edomite king Bela' b. Be'ôr, Genesis 36:32, in later times the identification of Luḡmān with Balaam was accomplished. J. Derenbourg *Fables de Lokman le Sage* (Berlin, 1850), p. 6f., made the attempt to support this identification by pointing out the fact that the Arabian word "laḡima" has the same significance as the Hebrew word "bāla'". Of course the identification of the names which took place in post-Ḳoranic times on the part of the Islamic authors and their Jewish authorities respectively rests upon this observation, but this is of no value whatsoever in answering the question as to who is meant by Luḡmān in the Koran. One of the sayings of Luḡmān which are quoted in the Koran reminds one so strongly of one of the sayings of Aḥiḡār that one is inclined to assume the existence of some connection between the two. In 31:18 it says: "My son, make thy course straight, and suppress thy voice, for the ugliest voice is the voice of the ass". In the Syrian wording of Aḥiḡār (see Noeldeke, "*Untersuchungen zum Achikarroman*", p. 36), there is a proverb which reads as follows: "My son, lower thy head, speak softly, and look down. For if a house could be built by means of a loud voice, the ass would be able to build two houses in one day". On both occasions the warning to speak softly is substantiated by pointing to the "ugly" (which word is used in the Ḳoran) or the "useless" (employed in Aḥiḡār) braying of the ass. Our saying is found likewise in the Elephantine papyri, where Sachau, with the assent of Noeldeke, translates the phrase "ḥ m r n ' r" as "braying ass", while others wish to take it to mean "fermenting wine". (See the enumeration and criticism of the various opinions on this subject in F. Stummer, *Der kritische Wert des altaramäischen Ahikartextes*, Muenich, 1914, p. 12).

However the case may be, this much at any rate is established that the saying as found in the later texts was given a wording which was similar to that of the proverb of Luḡmān as found in the Koran. This saying, which was originally ascribed to Aḥiḡār, seems to have been put into the mouth of another wise man of the previous ages, together with other proverbs, and thus to have come to the knowledge of Mohammed. As I

subsequently noticed, the Ḳoranic parallel to this saying did not escape the notice likewise of J. Rendel Harris, *The Story of Ahikar*, 2 Cambridge, 1913, p. LXXVI. However, when Harris draws the further conclusion that Luḳmān is identical with Aḥikār,¹⁸ I can not agree with him therein any more than I can with Eduard Meyer in his book, *Die Israeliten u. ihre Nachbarstämme*, p. 378, where he takes up anew the question of the identification of Luḳmān with Balaam. M. Hartmann's idea, that the name "Ἀλκμαιων" ("Ἀλκμαν") can be found contained in "Luḳmān" (*Z. A.*, vol. XII., p. 106f.) is altogether untenable. Hartmann evidently made it a bit too easy for himself to prove his statement that the name of this person had penetrated into "wider circles of the Orient", for the reasons which he alleges in support of this assertion are rather far fetched. If it were at all the case that in the name "Luḳmān" a Greek name is concealed, we would sooner have to take Lucian into consideration, for not only separate writings of his have been translated into Syriac (Baumstark, *Lucubrationes Syro-Graecae*, p. 405 ff.), but likewise sayings of his have been preserved in Syrian collections ("Studia Sinaitica", I, 28, of the Syriac text). None the less, even though the transition from "Luḳyān" to "Luḳmān" were easily to be understood on the ground of graphical reasons, this origin of the name is more than improbable. There is no evidence at all which can be adduced in support of the alleged identification of Luḳmān with Elxai either, which name is equivalent to the Aramaic "ḥēl-kesāi" (Sprenger, *Leben u. Lehre Mohammads*, Vol. II, p. 101). Accordingly, we shall have to adhere to the following view, that "Luḳmān" is a genuinely Arabic name which, for the rest, is mentioned likewise by the poets alA'shā, Labīd, Im-rulḳais, Ṭarafa, Zuhair, Ufnūn, Mukhabbal, and others. It would not be in place here to enter in great detail into a discussion of the Arabic traditions concerning Luḳmān and Luḳmān b. 'Ād respectively. For the present one may compare C. H. Toy, *J.A.O.S.*, vol. XIII, Proceedings, CLXXII ff.

Finally, "Idrīs" is mentioned in 21:85, in conjunction with

¹⁸ This name is known to 'Adi under the form "al Haiḳār", XXII, 3, which passage is equivalent to Jawālīḳī, 54.

Isma'il and Dhū'l Kifl, as one of those steadfast men whom Allah received into his mercy. In another passage, which likewise belongs to the II Meccan period, 19:57, he is designated as a "pious man", "a prophet", whom "we have raised up to a lofty position". The Islamic tradition interpreted this statement as referring to Enoch, but Noeldeke was the first to point out the fact that behind this name there is concealed a Greek name, presumably Andreas, which is built up after the pattern of the Arabic formation if'il. (*Z. A.*, Vol. XVII, p. 83 ff.). It is admittedly not certain which Andreas is meant. Whereas Noeldeke is inclined to the opinion that in 19:57 there is an allusion to the martyrdom of the apostle Andreas, an allusion which would be based upon a misunderstanding, R. Hartmann, *Z. A.* Vol. XXIV, p. 314f., reminds us of the cook Andreas (in the Alexander Romance) who attained to immortality and whose history was known even to Mohammed, as is shown by 18:61 ff. When one considers the fact that from the word "*διαβολος*" Mohammed had formed the name "Iblīs" by making it coincide with the structure of the Arabic formation if'il, one would naturally be inclined to seek in the word "Idrīs" either Andreas or another Greek name ending in "*δωρος*" or "*ανδρος*".¹⁹ The Idrīs who is mentioned in *Usd*, I, 57 as a contemporary of the prophet is as little historical as are certain names like "Baḥīra" and others which are mentioned in the same passage in conjunction with him.

Whereas Shu'aib, Hūd, Luḡmān, and Idrīs were interpreted as Old Testament figures for the first time by post-Koranic tradition in the endeavor to discover further Biblical allusions in the *Ḳoran*, in one instance Mohammed himself substituted a genuinely Arabian name in place of a Biblical name. In place of Ararat Mohammed mentions as the landing-place of the ark the mountain Jūdi, mention of which mountain is met with repeatedly likewise in the works of the Arabian poets (11:46, III Meccan period, see Noeldeke, in Kiepert *Festschrift*, p. 77, note 2, and Streck's Article "Djudi" in the *E. I.*). The reason for this may be either that he naively considered this mountain,

¹⁹ Perhaps likewise in the enigmatical name "al-Ifrīs" mentioned in *Samauāl*, II, 19.

with which he was familiar, as the highest mountain, or that he wished in this manner, to designate Arabia as the land which had been spared by the deluge. The latter theory would furnish a parallel to corresponding Jewish and Samaritan traditions for which compare Wensinck, *The Navel of the Earth*, p. 15. We would then in this case have before us an occurrence similar to the connection of Ibrāhīm with the cult of the Ka'ba, which was consummated in Medina by Mohammed, an attempt to put the Arabian homeland into connection with the Biblical narratives. In this connection the statement of Theophilus, which is quoted likewise by Streck, Article "Djudi" in the *E. I.*, is worthy of consideration. Theophylus states that even at his time remnants of the ark on the mountains of Arabia were still pointed out.

In conclusion there, still remain to be discussed several rather vague designations of personages of the previous ages, the identification of which is still uncertain in the majority of cases. First of all, there is "Sāmīri", who is mentioned in 20: 87 ff (II Meccan) as the man who led the Israelites astray and as the maker of the golden calf, and who was punished by having to say the following words: "No one may touch me". As yet no trace has been found of the existence of any Jewish tradition which made mention of a Samaritan in this connection. Even though in the Jewish traditional literature the term "Kuthi" is the more usual designation for the Samaritans, none the less the name "Shomrai" likewise occurs, and it is employed likewise in Syriac as well as in Christian-Palestinian. Accordingly no conclusion with regard to the origin of the narrative can possibly be arrived at on the ground of the form of the name "Sāmīri" alone. In addition to Geiger, p. 163, Fraenkel (*Z.D.M.G.*, vol. LVI, p. 73), Goldziher (*La misāsa, Extrait de la Revue Africaine*", No. 268, Algiers, 1908), and Halévy (*Revue Sémitique*, Vol. XVI, pp. 419 ff.), have occupied themselves with the reconstruction of the legend which forms the basis of this narrative. For the influence of the episode regarding the Sāmīri on the legend of the eternal Jew compare Neubaur, *Die Sage vom ewigen Juden*, p. 108.

In 21:85 (II Meccan) Dhū'l Kifl is mentioned among the

"steadfast ones", likewise in 38:48 (II Meccan) among the "best". Neither the context of these passages nor the word "Kifl" which, as a noun, may have several possible meanings, gives us any clue or information whatsoever as to who is meant. For the later interpretations of the name see Goldziher's article on Dhū'l Kifl" in the E.I.

We have already made mention above of the "aṣḥāb al aika", the "people (inhabitants) of the thicket". It is quite uncertain whom Mohammed understands by the "aṣḥāb ar rass", the "people of the fountain", in 25: 540 and in 50:12, both of which passages belong to the II Meccan period. Information concerning the post Koranic interpretations of this term will be found in Wensinck's article in the E. I.

In a passage which is the product of the I Meccan period, i. e., 85:4ff., mention is already made of the "aṣḥāb al ukhdūd", the "people of the pit", a designation which, for the most part, is interpreted as referring to the Christian martyrs who were put to death in 523 by Dhū Nuwās at Najrān; compare, in addition to the literature enumerated in Noeldeke-Schwally, Vol. I, p. 97 and in Wensinck's article in the E. I., likewise F.M.E. Pereira, *Historia dos Martyres de Nagrañ*, Lisboa. 1899. But not only do the reports concerning this event with which people have hitherto been acquainted relate nothing whatsoever anywhere concerning a pit, but likewise the "Kethabā de Himyarāye" (cf. Moberg, *The Book of the Himyarites*, Lund, 1920) which was composed in the second quarter of the sixth century, and which therefore stands very close to the events with which we are here concerned, knows nothing at all, at least in the portions which have been preserved, of the fact that the martyrs were supposed to have been burned in a pit. (The above statement is taken from a communication which Prof. Moberg had the kindness to send to me by mail under date of September 1st, 1921). Accordingly, it is by no means assured that by the "aṣḥāb al ukhdūd" Mohammed really meant the martyrs of Najrān. Geiger (p. 189) sees in the passage above quoted an allusion to the three men in the fiery furnace (Daniel 3:8) and O Loth, too, is inclined to agree with this explanation (Z. D.M.G., vol. XXVX, p. 621). But I doubt whether any event

of the past is alluded to in the Koranic passage and am inclined to refer it to events that will take place in the days of the last judgment.

With this last interpretation we have exhausted the list of those names in the *Ḳoran* which are of Old Testament origin or of those which are generally regarded as such. Several further names (apart from those which have already been discussed in the notes), which are mentioned by the poets can be proved to have been known in pre-Islamic Arabia. In a frequently cited verse of al A'shā mention is made of "Ūrīshalam", which is identical with "Jerusalem" (see *L. A.*, Vol. XV, p. 218; *Shu'arā*, 378; *Bakri*, 812; *Yāḳūt*, vol. I, 402; Vol. III, 86); the form of the name indicates that he had heard it under the pronunciation which was current among the Syrians, i. e., "Urishlem". The same statement is true in the case of the name "Ṣihyaun" for "Zion", which the same poet mentions (*Yāḳūt*, Vol. III, 438; *Bakri*, 612; *L. A.*, Vol. XIX, p. 205). On the other hand, the verse (XXXI, 8) in which Umaiya makes mention of Lebanon under the form of "Lubnān" is not genuine. The name "Samaual", equivalent to "Samuel", had been rendered famous chiefly by the Jewish poet Samaual b. 'Ādiyā (equivalent to "Shmuel b. 'Adāyā"), a character who has become proverbial because of his fidelity. His "Diwan", distorted and defaced by every manner of spurious addition and accretion, was edited by Cheikho (Beyrouth, 1909). The name "Samaual" is met with likewise as the name of a Medinan Jew at the time of Mohammed (I *Hish.*, 692, *Wāḳidi* (Wellhausen) 217) and two other Medinan Jews of the same period bear the name under the form and pronunciation which is closer to the Syrian, i. e., "Shamwīl" (I *Hish.*, 352, 398). The father of Samaual, 'Ādiyā equivalent to "'Adāyā", bears a name which is equally Biblical. There are furthermore mentioned among the Jews of Medina "Yahūdḥā", equivalent to "Jehudah", I. *Hish.*, 352; "Finḥās", identical with "Phinehas", I *Hish.*, 352, 388, 399; "Yāmīn", an abbreviation of "Binjāmīn", I *Hish.* 654; *Wāḳidi* (Wellhausen 98, 164) "Yusha'", equivalent to "Joshua", *Wāḳidi* (Wellhausen), 273; "Ashya'", perhaps equivalent to "Yeshayāhu", I *Hish.*, 352, 388, 399; (likewise the name "Sa'ya", *Balādhuri*,

24, is to be explained as being derived from "Yesha'yāhu"). The historicity of the Jewish bearers of these names has not been particularly verified, nor is it a matter of vital concern. To a certain extent they owe their origin to the desire of the narrators to heighten the local coloring by means of names which sounded Jewish. In case Fraenkel (*W.Z.K.M.*, vol. IV, p. 338) is correct in his statement that in the name "Saiḥān", I Hish., 351, "Sihōn" is concealed, it would be an especially clear indication that in this passage a Biblical name was arbitrarily inserted into the text, for it is not at all probable that a Jew bore the name. In "Nabtāl", I Hish., 357, the name of a non-Jewish inhabitant of Medina, Noeldeke *Beitr. z. Kenntnis d. Poesie d. alten Araber*. p. 56) has already recognized "Naphtali". "Sim'ān" the name of an Arabian contemporary of the prophet mentioned in Ibn Sa'd, vol. I b, 31, may be genuinely Arabic in origin and need not necessarily have been derived from "Shim'ōn". On the other hand, this Hebrew name appears under the form "Sham'ūn", (Aghāni, II, 26), a name borne there by a bishop of Ḥīra. Mention is made in Usd, Vol. III, p. 4, of a "companion" by the name of "Sham'ūn b. Yazīd" who, according to several authorities, belonged to the "Ḳuraiza" and was therefore of Jewish descent.

In addition to the Biblical names there are likewise found post-Biblical Jewish names. Thus Fraenkel (*W.Z.K.M.*, vol. IV, p. 338) already drew a comparison between "Bāṭā", the name of a Medinan Jew, and Bāṭā ('Aboda Zārā, 76b). In "Haiyā", which had been the name of the father of the poet Samaual, according to Ibn Duraid, 259 (while 'Adiyā is supposed to have been the name of his grandfather), we recognize the Jewish name "Hiyā" ("Haiyā"). Perhaps a diminutive of this name is contained in the name of "Ḥuyay", who was likewise a Medinan Jew (I Hish. 351; Wāḳidi (Wellhausen), 161 ff.). A number of Medinan Jews, all of whom belong to the tribe of the Banū Naḍīr, bear the name "Salām", which is equivalent to the Hebrew "Shālōm" (compare "Immā Shālōm" the name of the wife of Eliezer ben Hyrkanos). The name "Šūrā", I Hish., 351, most likely identical with "Šūriyā", *ibidem* 352, corresponds to the Hebrew name "Šūriyā", which is formed regularly although there is admittedly no proof at

hand that it existed in Hebrew in earlier times. Mention is made likewise of "Tābūt" (I Hish., 352), as the name of a Jew in Medina. This name is probably the Abyssinian form of the Aramaic "tebūtā", the translation of the Hebrew "arōn", which was taken over into the *Ḳoran* likewise as an adopted foreign word. It is possible, however, that originally the name "Nābōt" was intended, which could easily have been changed to "Tābūt" in the Arabic script. In this case likewise it is hardly probable that this name was borne by Jews, which fact, however, need not necessarily have prevented the narrators from inserting it wherever it seemed appropriate to them. It is very improbable as J. Dérenbourg would have it, that "Fityaun", the name of a Jewish king of Yathrib (later, Medina), is derived from the Jewish name "paitān", and Fraenkel has correctly argued against this derivation (*W.Z.K.M.*, vol. IV, p. 379). On the other hand, the Jewish name "Ze'ūrā" may be contained in Za'ūrā", as Noeldeke has previously surmised (*Beitr. z. Kenntnis d. Poesie d. alten Araber*, p. 65). The clan in Medina which called itself by this name was not of Jewish descent, but belonged to the Aus (Ibn Duraid, 263); for the rest we meet with "Ze'ūrā" likewise as a Syrian name in various sources.

Finally we shall sum up in condensed form several other conclusions which may be drawn in connection with those names whose derivation from the Old Testament is beyond doubt. In the case of many of them one and the same form was current and usual among Jews as well as among Christians. In such cases it is not at all possible to come to any decision as to the question to which of these two religious communities those who first handed these names down to the Arabs belonged. This statement is applicable to names like "Nūḥ", "Lūṭ", "Ya'qūb", "Isrā'īl", "Yūsuf", "Hāmān", which were taken over entirely or almost entirely unchanged, as well as to a number of other names which were adapted and made to conform to Arabic formations by the aid of greater or lesser alterations. For even with regard to this latter group the form which formed the basis of the name and along the line of which the change took place can no longer be recognized in the case of some, and in the case of others even the knowledge of this form would not

be of any further aid to us, since the Jewish and Christian forms of these names with which we are concerned did not deviate from each other at all, or if they did deviate, it was only in certain unessential features. This is the case with "Adam", "Ibrāhīm", "Āzar", "Imrān", "Hārūn", "Ḳārūn", "Daud", "Ayyūb", "al-Yasa'", "Uzair", "Jibrīl", and "Mikāl". On the other hand, nominal forms like "Ilyas", "Fir'aun", "Yūnus" and "Sulaimān" are proved to be without doubt of Christian derivation, and in addition, the names "Iṣḥāq", "Sīnā", and Yājūj" presumably belong to this group. With regard to "Isma'il and "Mūsā", which likewise stand in closer relation to the Christian forms than to the Jewish, it is hardly possible to come to any definite conclusion, for it is possible that in those cases, there were, in addition to other causes, certain other factors of pronunciation and sound which may have led to the transformation of the Hebrew forms. On the other hand, the name "Jālūt", although it is quite removed from the Hebrew form too, may be regarded as having stood under Jewish influence.

Even though, with regard to a number of names, there can still be detected the religious community to which Arabia owed its first acquaintanceship with them, it is still far from an established fact that Mohammed likewise must have heard them for the first time out of the mouths of adherents of the community concerned. For many of these names, of which we need mention only one, "Sulaimān", as an example in this place, had become current in Arabia under this form even before the time of Mohammed. Therefore the fact that the Christian derivation of this name is certain proves nothing whatsoever as yet with regard to the immediate derivation of the stories concerning Sulaiman which are found in the Koran. Other names which were known even in the pre-Islamic period are "Daud" and "Ayyūb", perhaps likewise "Nūḥ", "Ismā'il", "Ibrāhīm", "Yaḳūb", and "Hārūn". Bearers of these names can be pointed to even among the Arabian Jews and Christians of the pre-Islamic period. But with the possible exception of Yaḳūb, which however may also be a genuine Arabic name hardly any of them seem to have been borne by Pagan Arabians.

In certain respects the taking over of Old Testament names

into the *Ḳoran* furnishes us with a comparison with the manner in which they were taken over into the Septuagint, the New Testament, and into Josephus. In these latter source books likewise we meet with nominal forms which were built up after the pattern of Greek formations and names. But the Old Testament names are presented in the *Ḳoran* only in a small, rather motley selection. The greatest proportion of the Old Testament names which are found in the *Ḳoran* are taken from the Pentateuch, and next to the Pentateuch only the books of Samuel and Kings are represented by several names in the *Koran*. Only the names "Yūnus" and "Yājūj-Mājūj"²⁰ are reminiscent of the prophetic writings, while, with the exception of "Daud", only the name "Ayyūb" reminds us of the *Hagiographa*. It would naturally be rash to draw the conclusion that all of the Old Testament names which are not mentioned in the *Ḳoran* must have been unknown to Mohammed, since we know from non-*Ḳoranic* sources that quite a number of such Biblical names, of which "Sāra", "Samau'al", "Nabtal", and "Ādiyā" are examples, were, in the first place, known of in the pre-Islamic period, and, in the second place, they were sometimes employed as personal names.

We have likewise no right to conclude from the fact that a name is not mentioned in the first Meccan period that Mohammed had not yet heard of it at that time. As an instance hereof it may be stated that it is not until the second period that Mohammed makes mention of "Sulaimān", whilst even the old poets were familiar with this name. And yet it would not be superfluous, because of this fact, to pay attention to the period in which a certain name first appears in the *Ḳoran*, for although in many instances it may have been only chance which decided the mentioning of a name or the failure to mention it, we can occasionally find evidences of the probability that, became at one definite stage of his development, Mohammed was acquainted with a certain name, for example, "Imrān" or "Jālūt", or else that he employs a name only during a definite period of time and later on

²⁰ These last mentioned names are, of course, to be regarded as of Old Testament origin only with reference to their external form, for the ideas and events which are associated with them in the *Ḳoran* point to the legend of Alexander as their source.

drops it entirely or else employs it in another sense (for example, "Madyan").

But with observations of this sort we are approaching too near the limits which we have set for ourself in this article, because, and this is a point which we wish to emphasize once more, we do not intend to attempt in this essay, nor do we think that it is the place to attempt, a discussion of the *contents* of the Biblical narratives of the *Ḳoran*. Our efforts are concerned exclusively with the explanation of the origin of the *Ḳoranic* forms of the Old Testament names, with the investigation of the manner in which they were prevalent in pre-Islamic Arabia, and with the elimination of names which have erroneously been regarded as transformations of Old Testament names.

II ADOPTED FOREIGN WORDS

One of the characteristic peculiarities of Mohammed is the abundant use which he makes of words of foreign derivation. This preference for adopted foreign words may be explained on the ground of reasons which are quite diverse: the vanity of the speaker; his efforts, whether he was conscious thereof or not, to produce an effect upon his hearers; the fascination of that which was mysterious, which effect the unfamiliar sound produces upon the speaker and the repetition of which sound intoxicates him; but likewise the difficulty of coining words of his own for thoughts and conceptions which had been taken over from foreign languages and lands. For Mohammed who, after the manner of the Arabian seers, speaks in rhymes, the sound of the words was no unessential element, and many a foreign word which had winged its way toward the prophet must have captivated him by its sound above everything else.

But even in those places where he did not succumb to this enticement, there was almost a necessity of mentioning foreign words on the ground of the contents of his discourses as well as of their origin. The voices which, originating in the innermost recesses of his being, penetrated to his ear and in which the prophet, delivered from all doubts (see my essay in *Islam*, IX, on this

point) as the result of visions and ecstatic experiences, perceived inspirations coming to him from Allah, could not possibly deny their origin. The words which forced themselves upon him in the dreams which came to him during his waking moments or in the revelations which he heard, were the reflex, of the thoughts and conceptions which had been comprehended by his passionate soul and the first acquaintanceship with which had been transmitted to him by his association with devotees and adherents of foreign religions. Thus it happened that many expressions which he had heard from them remained firmly fixed in his memory, and he needed have no doubts about taking them over into his "Arabian Koran" (see my essay, *Islam*, XIII), the less so because the foreign sound of the words could have seemed to him to be in conformity with their immediate derivation from the divine book as well, and it was his task, on the ground of his prophetic calling, to transmit them to the Arabs. But many other Biblical words he probably had to retain and employ for the reason that it was not an easy task to reproduce their meaning by means of originally Arabic words.

To be sure, Mohammed was not the first in all cases to transplant on Arabian soil those foreign words which he employed and which belonged to the sphere of religion. Many of them, for example, "ṣallā", "raḥmān", long before his time, had become indigenous and well-known extensively throughout Arabia, or, at least, throughout definite circles, and the number of such words will probably be still further increased by the publication of inscriptions or verses of the poets not yet made accessible. In addition, whenever a certain adopted foreign word makes its first appearance in one of Mohammed's discourses, we must pay attention and seek to ascertain which of these words must have become known to him before his first utterance and which ones he does not employ until a later period. The fact that we must exercise extreme caution in drawing conclusions from the first appearance of a word regarding Mohammed's lack of acquaintanceship with it in previous periods will be brought home to us in a convincing and striking manner, for the present, by the example of the word "zabūr", which he employs as a designation for the Psalms of David from the second Meccan period on, while

it is not until the Medinan period that he makes mention of the words "taurāt" ("Tōrā") and "injīl" (gospel).

It is often not an easy task to decide as to whether an adopted foreign word owes its origin to the linguistical usage of the Jews or to that of the Christians, for both of them employ the same expressions for a great number of concepts and ideas. The matter of deciding this point is not always as simple as it is, for example, in the case of the Ḳoranic term for "resurrection", "qiyāma", in the case of which word the Christian derivation thereof is established with absolute certainty by the fact that the word "qeyāmthā" for "resurrection" is found employed only among the Oriental Christians, while the Jews do not know of this word at all and for "resurrection" they say only "revival of the dead" ("teḥiyat hammētim", Aramaic" teḥiyethā"). Those words concerning which it seems to be quite impossible to come to any conclusion, (for example, "tāba", "to atone for"; "sabbāḥa", "to praise, extol"; "sabt", "Sabbath"; "milla", "religion", and others), as well as such words whose Christian derivation can be proved with certainty, have not been considered at all in this essay, but will be discussed in greater detail in another place. Only such words are taken up in the following the Jewish derivation of which is certain or, at least, probable; furthermore, those words which are deserving at least of discussion no matter whether this discussion results negatively or not; and finally, those whose Jewish derivation has even lately been asserted and assumed, even though, in my opinion, this assumption may appear to be untenable. Although they do not belong entirely to the same category as do the rest of the words which are treated in this article, I have none the less paid consideration likewise to Jewish designations for Jewish things (although not taken over into Islam) which are mentioned in the Ḳoran. Examples hereof are "aḥbār" and "rabbāniyūn". On the other hand, I have entirely excluded in this place another category of words, i. e., expressions of genuinely Arabic origin which, however, prove to be literal translations of Jewish phrases in their special meaning in which they are employed in their context, for example, "gulf", 2:82; 4:54. When the Jews of Medina, as quoted in these passages, say "ḳulūbuna gulfun", they are

making use of the Biblical expression "lebābām he-'ārel," found in Leviticus 26:41 and in other passages, which they employ in an ironical sense in the Arabic translation.

In contrast with the proper names which, as we have seen, could be collected and classed in accordance with certain categories, the adopted foreign words which are discussed in the following are arranged and grouped according to their stems in the order of the Arabic alphabet. Since the completion of the first part of this article there has been published the work of Wilhelm Rudolph, *Die Abhängigkeit des Qorans von Judentum und Christentum* (Stuttgart, W. Kohlhammer, 1922) to which book I have repeatedly referred in the following. In conclusion, I have presented a brief resumé of the results of the following investigations, in so far as they have reference to the derivation of the words which I have treated in the article. An investigation which will comprehend all the adopted foreign words of the *Qoran* is to be published in some other place, and in this treatise there will be found likewise the justification for the fact that many words which will perhaps be looked for in vain in the following are missing here.

AL-MUTAFIKA. This word, employed as early as in the I Meccan period, 53:54, in the plural, 69:7, and in the late Medina period, 9:71, as a designation for the sites of the ruins of Sodom and Gemorrah, has already been derived from the Hebrew word "mahpekha" by Hirschfeld, *Beitrage*, p. 37, and Pautz, p. 270, note 1. The word "mahpekha" is employed in every Biblical passage in which it occurs as a designation for the destruction of these two cities, with the exception of Isaiah 1:7. Accordingly, this word must have become known to Mohammed through Jewish mediation, and he then formed it according to the model of the participle of the eighth form of the Arabic root "afaka". This Arabic word also from an etymological point of view is identical with Hebrew "hāfakh", just as are Aramaic "hefakh" or "efakh" and Assyrian "abāku". Whereas the Targumim render the Hebrew "mahpekha" sometimes as "hafekhtha" and sometimes as "mahpekhtā", the Pesiṭta reproduces it with forms of the finite verb, and the

Ethiopian translation employs derivations of "gaftē'a". Accordingly, Mohammed could have heard the Aramaic form likewise from Jews, if the Aramaic form, and not the Hebrew form, actually formed the basis of the word which however is not at all probable.

AMR. Employed in 16:20 17:87; 32:4; 40:15; 42:52; 65:12, i. e., since the second Meccan period, as a designation for a divine emanation. In *Islam* (IX, 177) I have traced the word back to the Jewish "mēmṛā" (which is equivalent to the Hebrew "dibbēr" and "dibbūr" respectively), as had also been proposed by Grimme, *Mohammed*, II, p. 51. For the significance of "mēmṛā" compare likewise Treitel, *Judaica* (H. Cohen's *Festschrift*, p. 181). Already Grimme emphasizes the fact that "mēmṛā" is found only in the Targumim, but not in the Talmud. However, it would naturally be incorrect to deduce therefrom that it was unknown to the Jews subsequently. On this point see *Islam* IX, 178. The failure of the word to occur in the Talmudic literature is perhaps due, after all to the desire to deprive Christian polemics of an argument which it regarded as very welcome (see Strack, *Einleitung in den Talmud*⁵, p. 79). Concerning the word "mēmṛā" as used among the Mandeans compare Brandt, *Die Religion der manidäer*, p. 45.

Subsequently Grimme attempted to interpret the word "'mr" which occurs in the Southern Arabian inscriptions, as the logos, and to explain the Koranic "'amr" as being derived therefrom (Noeldeke *Festschrift*, I, p. 453 ff.). In the interpretation of the Southern Arabian inscription passages Weber, *Studien zur suedarabischen Altertumskunde* (vol. III, p. 65), it is true, agrees with him, but Hommel, *Die altisraelitische Ueberlieferung*, p. 84, who discusses a number of proper names formed from the word "'mr", explains it as the perfect tense ("he commanded"), and Glaser, *Altjemenische Nachrichten*, p. 62 ff., who treats all the passages in which "'mr" occurs, comes to the conclusion that in no passage does it mean anything which is similar to the logos. The correctness of Hommel's explanation of "'mr" in the Southern Arabian proper names is clearly evidenced by Noeldeke's compilations in the *Ency-*

clopedia Biblica, 3288: “ḥl'mr”, “ḥlj'd”, “ḥlkrb”, “'m'mr”, “'mkrb”, and so forth. A parallel to the Ḳoranic use of the word “'amr” is presented likewise by Umaiya, XXV, 33 and LV, 17. According to its form the Ḳoranic “'amr”, at any rate, is more closely related to the Jewish (but likewise to the Mandaean) “mēmṛā” than to any other designation for a divine emanation or hypostasis whatsoever.

W. Rudolph, *Die Abhängigkeit des Ḳorans vom Judentum u. Christentum*, p. 41, has recently called attention once more to Origen's doctrine of the trinity which had already been cited by Grimme. According to this doctrine, just as, in the Ḳoran, the “rūḥ” emanates from the “'amr”, and this in turn from Allāh, so the logos emanates from God, but the spirit emanates from the logos. However, when Mohammed employs the term “kalima”, and not “'amr”, in those passages where he designates Jesus as the “word of Allāh”, one would have to assume that these two designations for the same thing, i. e., “'amr” and “kalima” came to him from different Christian circles and that therefore their actual identity remained hidden from him. At first blush this explanation of Rudolphs appears to be quite plausible, but, at any rate, I regard it as untenable, because a Christian sect, which employed the term “'amr” in the sense of the logos, must have made the logos identical with Jesus, and Mohammed could no more have remained ignorant of this identification than he could of the other conception in accordance with which 'Isa is the “kalimat Allāh”, a conception which he expressly adopted. Mohammed in this case would either have identified the “'amr” expressly with Jesus or else he would have polemized against this identification. When we see that Mohammed does not mention Jesus at all in this connection, it seems to be a proof for the fact that he had heard nothing whatsoever of the view, in accordance wherewith Jesus was supposed to be the “'amr”. Perhaps the Ḳoranic doctrine of the “'amr” and the “rūḥ” is derived from a non-Christian sect, which employed the word “mēmṛā” or a similar expression as a designation for a divine emanation from which the “rūḥ” subsequently emanated. The idea that “'amr” was identical with the logos could not have developed on Arabian soil, because the Arabic “amara” signifies only “to command”,

and does not have the meaning "to speak, say", like the Hebrew "āmar" and the Aramaic "emar".

UMMA. This word, employed frequently as a designation for "community" ever since the II Meccan period (15:5; 21:23; 23:35, 46, 54; 27:85), appears to me to be of foreign derivation and to have been borrowed from the Hebrew "ummā" or the Aramaic "umetha". Inasmuch as the latter term is employed by the Syrians likewise, it will always be doubtful whether Mohammed received it through Jewish or of Christian mediation. Perhaps in 43:21, 27, "innā waḡadnā ābā'anā 'alā ummatin", the word is found in its original Arabic significance derived from "amma" as equivalent to "Raṣada", with the result that "umma" here would mean something similar to "sunna", and perhaps Mohammed then adapted the sense of the Hebrew "ummā" to this Arabic formation. Its employment in 16:121 (II Meccan period), where Ibrāhīm is called an "umma", is very striking; Mohammed probably means thereby that Abraham was neither a Jew nor a Christian, but belonged to a separate community which he himself had established.

The expression "ummī", "ummiyūn", which is derived from "umma", is met with for the first time in the Medina period, of which likewise 7: 156-158 is a product; see Noeldeke-Schwally, I, p. 159 f. On Page 14, note 1, of this work Schwally explains it as "λαϊκος", which is equivalent to the Aramaic "'almāyā", and adds the following statement, "The Jews call the people who are ignorant of Scriptures and of the Law, or who are not sufficiently well-versed therein 'am-ha-āreṣ'" (thus already Geiger, p. 49). However, I regard this analogy as inappropriate. We are not concerned with a contrast between the "ḡābēr" or the "talmid ḡākām" and the "'am hā-āreṣ", but with a contrast between Israel and the "ummōt hā-ōlām" (cf. the passages quoted in Levy and Ben-Jehuda, s. v. "ummā"). In Sura 62:2 Allah is praised for having raised up among the "ummiyūn" a prophet who was one of their midst, and for this reason Mohammed calls himself "an-nabī al ummi" in 7:156, 158, because he came from the ranks of the Arabs, i. e., from one of the "ummōt hā-ōlām", and not from Israel... In 3:19 and 3:69 likewise the "ummiyūn", i. e., the adher-

ents of. the "ummōt hā-ōlām", are contrasted with those whose communities had in previous times already been deemed worthy of divine revelation ("allaḏīna ūtu'l-kitāba"). Only in 2:73 is the significance of the word entirely different. In this passage the "ummiyūn" are a group among the "ahl al-kitāb" who do not know the sacred writ, but who place their own arbitrary assertions which correspond to their own desires, above the contents of the sacred writ. In this place it is possible that the word might have been confused with the "'ammē hā-'āreṣ", those among the Jews who do not know the law. Mohammed learned of the "ummōt hā-ōlām" through the Jews in Medina and formed the word "ummi" in accordance with this term.

ĀMANA. "to believe". It is used ever since the early Meccan period, and in my opinion it is derived from the Hebrew. We would then have to assume that Mohammed (or one of his predecessors, to whom the borrowing of the word could possibly be traced back) had first learned of the word in such forms in which the "ha" of the hif'il disappears ("ja-'amīn", "ma'amīn", and others). The Aramaic cannot possibly be considered in this connection, because in all the Aramaic dialects (and even the Aramaic word, for its part, is likewise derived from the Hebrew "he'emīn") only the form "haimen" occurs, from which is derived the word "muhaimīn", which too was taken over into the *Ḳoran*. The result is that, for the derivation of this word, we could, at the most, consider, in addition to the Hebrew, only the Ethiopian, which employs the word "mā'men" in the sense of "believing" (adjective), from which word Sprenger, *Z.D.M.G.*, XXX, p. 657, actually wished to derive "mu'min".

AHL. According to Hirschfeld, *New Researches*, p. 60, note 100, the word "ahl", as found in 51:26 (I Meccan period), has there the meaning of the Hebrew "ōhel" (whereas in the Arabic it signifies, not "tent", but "family"), in which case it would be a reminiscence of the Hebrew text of Genesis 18:6 (In the *Peṣiṭta*, "maṣkan", in the Ethiopian translation, "ḥaimat",) I consider this explanation as quite possible, though not entirely certain.

BĀRAKA and *TABĀRAKA*. These words are employed from the first Meccan period on in the sense of "to bless" and

"to be blessed" respectively. It is very striking that in the Arabic the third and sixth form of this verb are used with the same meaning as are the Piel and the Hithpael in the Hebrew, which conjugations substitute the lengthening of the vowel in "mediae r" verbs for the doubling of the second radical, and which therefore read similarly to the Arabic forms which have been mentioned above. Perhaps in the Arabic a borrowing from the Hebrew took place (or from the Judeo-Aramaic, in case the traditional pronunciation with "ā" is old), the more so because formulas like "jehē šem Adonai mebōrak", and others are very frequently found in prayers. To be sure, the Ethiopic, too, has "bāraka" and "tabāraka" (for formations of this class in the Arabic and Ethiopic compare Brockelman, I, p. 512 ff.), a fact which would indicate an independent development of these forms in the Arabic likewise, provided that one does not wish to regard the long "ā" of the Ethiopic likewise as having been influenced by the Hebrew. To "tabāraka 'smu rabbika" in 55:78 there corresponds not only the Jewish formula which has been cited above, but likewise the late Sabeian "b r k w t b r k ' s m r ḥ m n n" (see Gesenius, *Wörterbuch* s. v. "b r k"), concerning the pronunciation of which we admittedly know nothing. The word "tabāraka" is mentioned likewise in an alleged verse of Waraḡa (Šu'arā an Naṣrānija, 618), which is an imitation of that of Abu Ḳais (I Hish. 350, 6, and other passages).

BA'ĪR. This word occurs only in the story of Joseph, 12:65, 72 (III Meccan period), which Dvorak (*Sitzungsberichte der Wiener Akademie*, Phil-hist. Klasse, vol. CIX, p. 522 f.) regards as having been borrowed from the Hebrew "be'ir", Genesis 45:17, which latter word is used in this passage in place of the word "ḥamōr" specifically mentioned previously in 44:3,13. According to this view, this word of the Hebrew text (or of the Targum or Pešitta respectively) had come to the ears of Mohammed and then had remained firmly fixed in his memory, in which process, however, he had assigned to it the meaning of the Arabic "ba'īr", "camel", in place of which he otherwise employs "gamal" or "nāḡa" in the Ḳoran. The substitution of a camel for the ass could have been still further facilitated by

the following consideration, that in the eyes of the Arabians the ass is not an appropriate mount for such distinguished men. When Mohammed, in 16:8, enumerates the ass among the beasts which are appointed for riding, he had in mind people of lower and inferior rank. It is possible that he reckons among the ranks of these likewise the anonymous hero of the narrative in 2:261, who takes his ass along with him, as is likewise the case in the model of the legend in Ta'anit 23a (this feature is lacking in the Ethiopic Baruch). For the Southern Arabian "b'r", "beast", see Nielsen, *Neue Katabanische Inschriften* p. 20.

BAHIMA. This word, which appears only in the Medina period in the context "bahīmat al an'ām", according to all appearances is not found in pre-Islamic poetry at all (for the word "bahm", "lamb", compare Hommel, *Säugetiere*, p. 238) and is probably derived from the Hebrew "behēmā". The legal prescription in 5:1 entails the hypothesis that the word was generally understood in Medina, a fact which would not be surprising in view of the role which the Jewish population in the city played, and which therefore would not be an argument against the derivation of the word from the Hebrew.

BŪR. Employed since the II Meccan period, 25:19; then in the Medina period, 48:12. Hirschfeld, *Beiträge*, p. 40, has already compared it with the Jewish "bōr" (Abot, II, 5; Yoma 37 a, etc.), and has already pointed likewise to the fact that it is employed also by Mohammed's court poet, Ḥassān b. Thābit, in Medina (I Hish. 712,—Diwān, XCVI:

"wa-hum 'umyun min at-taurāti būru",

"And they are in blindness concerning the Torah, ignorant".

Compare further the verse of 'Abdallāh b. az-Ziba'rā in *Ḳālī Āmālī*, II, 217. To be sure, the Hebrew is not the only language which knows of the word "bōr" in the significance of "ignorant" for the Syrian likewise employs "būrā" in the sense of "hediōtā". Nevertheless, the Hebrew derivation of the word is perhaps to be regarded as more probable, because the "bōr" forms a separate group alongside of the "am hā-āreṣ" (Derek ereṣ zuṭā, X, at the end).

TAURĀT. A designation for the Pentateuch and the Hebrew

Bible respectively, derived from the Hebrew "Tōrā" was not current until the Medina period (see Noeldeke-Schwally, p. 159). Of course Mohammed did not retain the word in the absolute (as distinguished from the construct) state, for the form most likely represents a compromise between two forms, "tōrā" and tōrat Moshe", which were frequently heard pronounced. In one of the poems of Sammāk (quoted in I Hisham 659:11), a Jewish contemporary of Mohammed, the following statement is made with regard to the learned men ("Aḥbār", see below) of one of the Jewish tribes of Medina, the Banū Naḍīr:

"wa-kānū'd-dārisīna li-kulli 'ilmin

"biḥī-t-taurātu taṭṭīḡu waz-zabūru",

"They investigated all knowledge,

"Of which the Torah speaks and the Psalms".

"Dirās at-taurāt", in Samauāl, II, 16 is unintelligible.

MATHĀNĪ. According to 15:87 (II Meccan period), "seven mathānī" were revealed to Mohammed in addition to the Ḳoran, while in 39:24 (III Meccan period) the "mathānī" are identified with the "kitāb mutašābih". D. H. Mueller, *Die Propheten in ihrer ursprünglichen Form*, I, p. 42, 46, note 2, conceives this to mean the legends, of which Sura 26 contains the seven of Mūsā, Ibrāhīm, Nūḥ, Hūd, Šālīḥ, Lūt, and Shu'aib, and which are likewise mentioned in Sura 11, though the order is different; compare likewise Sura 7, furthermore, 25:37-40; 29:33-37; 38:11-12; 50:12-18, where the same legends are related, with this difference, that in 25:40 the "aṣḥāb ar-rass", and in 50:12-13, the latter and the people of Tubba' are added. A similar explanation is given by Sprenger (see Rhodokanakis, *W.Z.K.M.*, p. 66 ff., and Grimme, II, p. 77) whereas Noeldeke, *Neue Beitr.*, p. 26, is of the opinion that the seven verses of the Fātiḡa are to be understood by the phrase, cf. further, Noeldeke-Schwally, I, p. 114. At all hazards, the Arabic word, as has already been recognized by Geiger, is the plural of the Judaeo-Aramaic "mathnitha", "tradition"; cp. further, Noeldeke, *Neue Beitr.*, p. 26 f. The word is employed likewise by Abū'l Aswad al-Du'ali in his dirge on Ali, Noeldeke, *Z.D.M.G.*, Vol. XVIII, p. 236.

“wa man qara’a’l-mathāniya wal-mi’ina”,
 “And who read the Mathāni and the hundreds”.

In his translation of the verses Noeldeke considers the reading “al-mubīna” in place of “al-mi’ina”, so that the entire *Ḳoran* would be contrasted and opposed to the “Mathāni”. But it is hardly probable that the customary “al-mubīn” should have been corrupted into “al-mi’in”. It is quite possible that by the “hundreds” (al-mi’ūn”) are meant the long Suras with their hundreds of verses, and accordingly by the “mathāni” Abū’l Aswad must have understood a short chapter, probably the “Fātiḥa”. If Sprenger and Mueller were correct in their interpretation of “mathāni”, then one could be tempted to perceive in the seven “mathāni”, without prejudice to the derivation of the word from “mathnitha”, likewise a reminiscence or reminder of the “seven ʿethānim” (cf., the “seven shepherds”, *Sukkah* 52b: Adam, Seth, Methusaleh, Abraham, Jacob, Moses, and David) of whom mention is made in *Pizmon be-mōšāē menūhā* forming parts of the liturgy of *ne’ila leyōm kippūr*). But it appears to me that there is no proof for the statement that the designation “seven ʿethānim” is found in earlier times, and the *Pizmon* itself, according to Zunz, *Literaturgesch. d. synag. Poesie*, p. 226, is not older than the thirteenth century.

GABBĀR. This word is found in 59:23 (Medina) applied to Allāh; otherwise it has reference to human beings, 5:25; 26:13, and is used in a reproachful sense, 11: 62; 14:18; 19:14, 33; 28:18; 40: 37 (All of these passages are products of the II and III Meccan periods except the Medina passage 5:25). It is a fair presumption that the reminiscence of the Jewish expression “hā-ēl hag-gibbōr” (found in such early passages as *Deut.* 19:17; *Jer.* 32:18; *Neh.* 8:32, as well as in the prayers, likewise the Targum, “gibbārā”) must have been a factor in the transference of the expression to apply to God. Indeed, when in 59:23 Allāh, in addition to “al-gabbār”, is designated likewise as “mutakabbir”, the significance of the Hebrew “gibbōr” as applied to God seems to be somewhat changed. However, perhaps “gabbār”, employed with reference to human beings and especially in the reproachful sense, likewise is borrowed from the Hebrew “gibbōr”. On

the other hand, the word "gabbār" in 50:44 has a different meaning and is to be traced back to the original Arabic "gabara", "to compel, force", to which root likewise the name "al-Gabbār" undoubtedly belongs, a name which is borne, for example, by a cousin of 'Urwa; see 'Urwa, ed. Noeldeke, I, p. 16; furthermore, Gabbār b. Ṣakhr, Ibn Sa'd, III, 2115, and elsewhere.

GANNA. a designation for "garden" (34:14; 11:31; 2:26, and elsewhere) as well as for "paradise". When we see that this (paradise), even in the early Meccan period (69:22; 88:10), is called "ganna 'āliya" (compare for the location of paradise J. L. Palache, *Het Heiligdom in de voorstelling der Semitische Volken*, Leiden, 1920, p. 153), we can deduce therefrom that in this term the significance of "ganna" in the sense of "garden" was clearly understood. In this significance "ganna" is found likewise in the pre-Islamic poetry, as, for example, in Bishr, who speaks of a "gannat Jathrib" (*Khizāna*, II, 182), and who means thereby a plantation of palm trees; compare likewise Zuhair, IX, 10 and Noeldeke, "*Neue Beitr.*", p. 42. In his *Fremdwörter*", p. 148, Fraenkel has already recognized the word as a derivative from the Aramaic. The assumption is that Mohammed then was the first to transfer to this word "ganna," which even before his time had been current in Arabia for quite a long period, the significance of the Jewish designation "gan 'Eden" for the heavenly paradise. Whereas Mohammed in all passages constantly refers to the paradise of Adam only as "al-ganna", without any further comment ("alganna", a term which is equivalent to the "hag-gan" of Genesis 2:9-10; see Geiger, p. 99, where this fact has already been indicated), when speaking of the heavenly paradise, on the other hand, he employs, in addition to the term "al ganna" (found as early as in 81:13, a product of the I Meccan period), likewise the designation "gannat na'im" or just "na'im", 82:13; 83:22, and in the second Meccan period, "gannāt an-na'im", wherein the word "na'im" is manifestly a translation of the Biblical "'eden". However, when Mohammed calls the paradise the "gannāt 'adn" (since the II Meccan period), it is a sign that he took the expression over in its Hebrew form likewise.

Mohammed probably took this designation for the heavenly

paradise over from the Jews, among whom the expression "gan'-Eden" was always a customary designation for the heavenly paradise, whereas it is employed in this sense only in rare instances by the Syrians. Of course, the Jewish derivation of the word is not altogether certain, inasmuch as the Abyssinian Christians likewise employ the term "ganat" as a designation for the earthly as well as for the heavenly paradise. And yet it must be admitted that they know of "Eden" only as "Edōm", and therefore Mohammed could not have taken the expression "gannāt 'adn" over from them. For this reason the Jewish derivation of the Koranic term "ganna" as equivalent to paradise remains the more probable. At the same time Mohammed had already, at an early period, become acquainted with the designation "pardaisā", which was current among the Christians of the Orient, and he then employs this expression as "firdaus" ever since the second Meccan period. For more detailed information concerning this term see my article "Das Koranische Paradies" (*Scripta Universitatis Hierosolymitanae*), p. 7.

AḤBĀR. This word is employed in the late Medina period as a designation for the Jewish scholars. W. Rudolph (*l. c.*, p. 25, note 31) it is true, maintains that in 9:31,34 "aḥbār" signifies the Christian teachers because in this passage it is employed in connection with the word "ruhbān"; however, he has overlooked the fact that, according to verse 30, the Jews and the Christians are the subject of "ittakhadhū". Geiger has already correctly explained the word as the Arabic plural of the Jewish "ḥābēr", which originally meant "comrade", then "colleague", and finally, "scholar, learned man" (compare herewith the stages in the evolution of the meaning of the English word "fellow"). The poets likewise know of the word; thus, for example, Abū Mihgan (Abel), VIII, 2 ff., who speaks of the daughter of the Jewish "ḥabr"; Aiman b. Ḥuraim (Agāni, XVI, 45—Amāli, I, 78), who, in speaking of the yellow wine of Gurgan, says that no "Ḥabr" had spoken a prayer when it was being brewed. The Jewish poet Sammāk (I Hish. 659) calls Ka'b b. al-Aṣraf the "master of the aḥbār" "saiyid al aḥbār"). Mention is made of a "ḥabr" who writes in Hebrew in Islamic times even in Šammākh

(ed. Cairo p. 26), just as Garīr mentions the "book" (muṣḥaf) which the aḥbār read. When Ḥumaid b. Taur falsely speaks of the Christians, "who prostrate themselves before their aḥbār" Mufaḍḍaliyāt. ed. Lyall, XLIV, 22), it is evidence of a mistake similar to those which are frequently made by the poets whenever they come to speak of the customs and usages of foreign religions. For the rest, we find that Muḥaṣṣaṣ, XII, 87 actually has the read, ng "arbābihā" instead of "aḥbāriha".

ḤITṬA. 7:161 (III Meccan period), 2:55 (Medina period) a word which the Banū Isrāīl were supposed to pronounce in order to obtain Allāh's forgiveness, but for which they substituted another word. Neither the explanation of Hirschfeld, *New Researches*, p. 107, nor that of Leszynski, *Die Juden in Arabien*, p. 32, is satisfactory, and the word continues to remain obscure.

ḤAIY. Employed as a designation for Allah, not only in connection with the word "ḥaiyūm", but likewise used alone, 25:60 (II Meccan period), "al-ḥaiyu-lladi lā yamūtu", and 40:67 (III Meccan period), "huwa'l-ḥaiy". Inasmuch as the word "ḥay" is found frequently in the Hebrew, even in the Old Testament, as an attribute to the Deity, one would be able to assume the Jewish origin of the term, but the Gospels likewise are acquainted with it (Matthew 16:16; John 6:57, and elsewhere), with the result that it might possibly be of Christian derivation likewise.

ḤALĀḲ. "portion", employed in the Medina period, 2:96, 196; 3:71, in the sentence, "mā lahum fī'l-āḥirati min ḥalāḳin", and in 9:70, "fastamta'u bi-ḥalāḳihim". With regard to the former sentence, Hirschfeld, *New Researches*, p. 114, has already pointed out its Tannaitic model, Sanhedrin X, 1 and elsewhere, "ēn lāhem ḥeleḳ lā-'olām hab-bā"; the latter sentence approximates the "sāmeaḥ be-ḥelḳō" of Abot IV, 1 and the "ašrēnu mā tōb ḥelḳenu" of the prayer book. Nevertheless the form of the Arabic word is quite striking; the long "ā" makes the derivation of the word from the Aramaic more probable than from the Hebrew. As a matter of fact the Aramaic knows of the word under the form "ḥulāḳ". One will have to assume that Mohammed first became acquainted

with the word in compounds such as “ḥulāk ‘ālmā de-ātē” (Targum Jer. Genesis 25:34) and “ḥulāka be-‘ālmā hādēn u-be-‘ālmā de-ātē” (Targum Esther II, 2:7); therefore through Jewish mediation. In actuality the Christian-Palestinian knows of the word “ḥulāk” in the significance of “portion”, but, as is shown by the list of the passages in Schulthess (s. v), the word is not used there with reference to a portion in the future life.

DARASA, employed since the first or second (see Noeldeke-Schwally, I, p. 96 to Sura 68:37) Meccan period in the sense of “to investigate, search (the Scriptures)”, from which there is likewise derived “dirāsa”, 6:157, for which Geiger, p. 51 and Fleischer, *Gesammelte Schriften*, II, p. 122 f., are to be compared. With regard to its being borrowed from the Jewish (see likewise Fr. p. 23) there can hardly be any doubt, although likewise the Syriac knows of the form “deraš” and the Ethiopic of “darasa”, both of which are borrowed from the Hebrew, as has already been observed by Noeldeke, *Neue Beitr.* p. 38. The reason is that the Hebrew employs it specially with reference to investigating the Scriptures, and the Jewish uses likewise the term “derāšā”, from which in turn is derived the Arabic “dirāsa”, in this sense; cf. in particular, Bacher, *Terminologie*, II, p. 42. “Al mudāris” is found likewise in Labid, III, 6.

RABB AL-‘ĀLAMIN. An epithet of Allah which is found ever since the I Meccan period, for example, in 81:27. In Arabia the use of “rabb” as a designation for God is pre-Islamic. The Lord of the Ka‘ba is called not only “rabbu hādha‘l-baiti”, 106:3, and Allah “rabb al-a‘lā” 92:20, but likewise the poets, already in the pre-Islamic period, swear by the “rabb ar-rāqišāt ilā Minan”, “the lord of those (she-camels) which trot towards Mina”; cp. some passages in Geyer, “*Zwei Gedichte*”, II, p. 208, note; furthermore, Ḥansā, 140:3;

“ḥalaftu b-irabbi šuhbin mu‘malātīn
 “ilā‘l-baiti-l-muḥarrami muntahāhā”,
 “I swear by the lord of the reddish (she-camels),
 the hard-worked,
 “Whose goal is the holy house”.

Likewise among the Nabateans "al-Lāt" is called "rabbat al athar", see Littmann, p. 22, and as far as Southern Arabia is concerned, that the word "rabb" has the signification of "God" is proved by names like "R b š m s", *C.I.S.*, IV, No. 300; "l r b", *ibidem*, No. 285; "R b ' l", Mordtmann, "*Himjar Inschriften der Berliner Museun*", p. 42; furthermore, Glaser, 554: 31; 1359, 1360; 14, "m q m r b k". Cp. further Wellhausen, "*Reste*",² p. 145, and Littmann, *Nabatean Ibscriptions*, XXI and 3, and the name of a certain Ḥazragite "'Abd-Rabb", in Ibn Sa'd, III², p. 103. On the other hand, the other Semitic languages do not employ the word "rabb" as a designation for the *divine* Lord. Inasmuch as H. P. Smith, *Bible and Islam*, p. 108, note, attempts to trace the Ḳoranic designation back to the Mandaean for its derivation, I turned to the foremost authority on the Mandaean language, Prof. M. Lidzbarski, for information regarding the employment of the term "rabba" among the Mandaeans. According to the information which he imported to me (under the dates of February 27th and March 13, 1922) the Mandaeans designate the supreme being as "haiyā rabyā", in place of which the designation "rabyā" alone frequently is used, and in isolated cases, likewise "rabbā"; in the first two monotheistic portions of the Ginza the "king of light" or life is likewise called plainly "rabbā". Prof. Lidzbarski agrees that this "rabbā" cannot be employed or adduced for the explanation of the Arabic "rabb", whilst in view of the previous history of the word "rabb" on Arabian soil it is impossible that the expression "rabb al 'ālamīn" was derived from the Jewish "ribbōn hā-'ōlamim", as Fr., p. 21, has surmised. If there exists any connection at all between the two, all that might be conceded is that the combining of the ancient Arabic "rabb" with the plural "ālamīn" might have been consummated under the influence of the Jewish designation "ribbōn hā-'ōlamim" which was used alternately with "ribbōnō šel 'olām" in the prayers. Even this is however not altogether certain, since the Ḳoran does not employ the word "'ālam" in the singular at all (see below, sub "'ālam").

RABBĀNĪ (*YŪN*); mentioned in 5:48, 68, in conjunction with the "aḥbār", and in addition likewise in 3:73; accordingly this expression is not used except in late Medina passages.

Geiger, p. 51 f., has already compared it with the Jewish "rabbān", from which, as is asserted also by Dillmann, *Lexicon Aethiopicum*, s. v., likewise the Ethiopian "rabbān" "doctor, magister", is to be derived. The recasting of "rabbān" into "rabbānī" can perhaps be explained in the following way, i. e., that the real signification of the term, "our teacher", was misunderstood or overlooked, and that the "ī" of the Nisba was subjoined to it on the ground of the erroneous derivation of the word from "rabb", "Lord, God", with the result that people believed that there was meant by the term "rabbānī" (cf. the derivation of "ruḥānī" from "rūḥ") a man who occupied himself with things divine.

RAḤMĀN, an attribute of Allāh which occurs frequently in the second Meccan period (55:1 is perhaps older); later on it is met with more seldom, and repeatedly in conjunction with the word "raḥīm", see Noeldeke-Schwally, I, p. 121. Noeldeke, *Geschichte des Korans*, p. 92, Note, has already characterized it as of probable Jewish origin, and Fr. agrees with this explanation; cf. further Noeldeke-Schwally, I, p. 112f., Note. As a matter of fact, "raḥmānā" is indeed a name of God which is employed generally in the Babylonian Talmud and which occurs only sporadically in the Talmud Jeruschalmi (see Bacher, *Terminologie*, II, p. 207), a name which has penetrated likewise into the language of the prayers. See Loew, *Lexikographische Miszellen*" (reprint, XIX), and Berakot 40b, in accordance with which the abbreviated grace at table reads as follows: "berīkh raḥmānā mārēh de hāi pittā". To be sure, the Syrian knows of it too, but there it occurs only in Aphrem, see Geiger, *Z.D.M.G.*, XXI, p. 688, and Payne-Smith, s. v. On the other hand, it is employed by the Christian-Palestinian as a translation of the Hebrew "raḥūm", for example, Joel 2:13; Jonah 4:2; and likewise among the Palmyrenes it is a frequently used epithet of the Deity which is often employed in conjunction with the word "ṭabā" and with the word "taiyārā", see Lidzbarski, *Handbuch der nordsemit. Epigraphik*, p. 153, and Ephemeris, II, p. 298; III, p. 33. Lidzbarski already points out the fact that the combination "raḥmānā wetaiyārā" is met with likewise in the Babylonian, where it appears under the form of "rēmēnu u

taiaru", and although otherwise the religious conceptions of the Palmyrene show evidences of Jewish influence (Lidzbarski, *Handbuch*, p. 252; Blau, *Haqedem*, I, p. 15 ff.), such influence can hardly be thought of in this case.²¹

Oh the ground of 25:61 one might be inclined to conclude that the name "ar-Raḥmān" was unknown in Mecca before the time of Mohammed. Its appearance in Umaiya is not of great significance, for the passages which are to be considered in this connection, such as, for example, XXXVIII and XLIX, 15, have been influenced by the *Ḳoran*. The fact that it is employed by Ḥassān (in I Hisham, 723:5 and elsewhere; *Dīwān*, LVIII, 1; CXXI, 4; CLXVIII), 'Abdallah b. Rawāḥa (in I Hishām, 797:3, and elsewhere), Bugair (*ibidem*, 858:1), and 'Abbās b. Mirdās (*ibidem*, 862:14) proves only that it had become current in Islamic circles at an early date. The same explanation is indicated by such names as 'Abdarraḥmān b. 'Umāra (died 13 H.), 'Abdarraḥmān b. Wāil (died 16H), 'Abdarraḥmān b. Mirba' (died 13H), all of these being "companions" of the prophet who survived him by only a few years. But the name "ar-raḥmān" is already known of likewise by pre-Islamic poets such as al Muthaḳḳib al 'Abdī (see Cheikho, *Le Chrisitianisme*, p. 238) and Salāma b. Gandal, III, 36; likewise by Ḥātim Ṭai, XL, 13, to whose dependence on Matthew 6:31-34 attention has been called by Schulthess in the notes to his translation. Zaid b. 'Amr, one of the alleged Ḥanifite predecessors of Mohammed, expressly professes ar-Raḥmān and acknowledges his homage to Him in his verses, I Hishām, 145:

"wa-lākin a'budu-r-raḥmāna rabbī

"li yaghfira ḍanbiya-r-rabbu 'l-ghafūru".

"Nevertheless I serve my Lord, the Raḥmān,

"That the Lord who pardons may forgive my sin".

The fact that Musailima in Yamāma, as well as Aswad in

²¹ In the inscription M. 27:3 (see Lidzbarski, *Ephemeris*, II, p. 310) the term "l t r n" which follows the word "r ḥ m n" is uncertain. The first letter might not be an "l". I suggest the reading "w t r n", which means "forbearing" in the Jewish-Aramaic language and which is met with likewise as a divine epithet, for example, Bābā Ḳammā 50a.

Yemen, spoke as seers in the name of "Raḥmān" (see Wellhausen, *Skizzen*, VI, .17) is interpreted by Caetani (*Annali*, p. 11, par. 166) to indicate the presence of Christian influence. Be that as it may, the taking over of the name must be considered as having presumably been consummated by the way of Southern Arabia. For the fact that God was worshipped as "Raḥmān" in the south is attested, above all, by Sabeian inscriptions, the oldest of which goes as far back as the fourth century after Christ, and of which several are of Christian derivation, such as the one found in Glaser, p. 618 (dating from the year 543), which commences with the words, "b ḥ j l w r d' r ḥ m t r ḥ m n n w m s ḥ h w". Compare further Mordtmann, *Z.D.M.G.*, XLIV, p. 177; Fell, *ibidem*, LIV, p. 252; Noeldeke-Schwally, I, p. 113, Note. Concerning the alleged Jewish inscription from Southern Arabia in which the name "Raḥmān" appears compare the dispute between Glaser and Halévy, *R.E.J.*, XXII, p. 125 ff.; p. 280 ff.; XXIII, p. 121 ff., p. 304 ff. The employment of this adjective which is customary among the Christians of Southern Arabia is reflected likewise by the alleged letter of the Jewish king of Ḥimyar to the Lakhmid al Mundhir of Ḥira, which letter was translated by Simeon of Bet Aršam. See Guidi, *La lettera di Simeone vescovo di Beth Aršam*, (Rome, 1881) where, on page 3 of the Syrian text, the reading is as follows;

"we lā ṣebhau nekhperon ba mešīḥā we lā-ṣebhau de-nēmrōn de-barnāšā ithauhi ellā be-saniūthhōn āmrin hewau dallāhā hū wa-brēh hū de-raḥmānā".

Compare likewise Pereira, *Historia dos martyres de Negran*, p. 9, note 1.

As we have seen, the designation "raḥmānā" was generally current among the Jews of Babylonia, while in Palestine it was known to Jews as well as to Christians. It had found its way into Arabia at least two hundred years before the time of Mohammed, and was there employed particularly among the Christians of the south. It can no longer be determined whether Mohammed borrowed it directly from the Jews or whether he became acquainted with it by way of Southern Arabia.

RAḤIM. This term, a substitute name for Allāh, which occurs only sporadically as early as in the II Meccan period (see Noeldeke-Schwally, I, p. 126, Note 1), but which is met with frequently in the III Meccan period and in the Medina period, may possibly have been influenced by the word "raḥūm" which is customarily used in the Biblical-Hebrew language and then in the prayers (compare likewise Ben Sira, 50:12, "wa-yāronnu ba-tephillā li-phenē raḥūm"). But this deviation is by no means certain. Nielsen, *O.L.Z.*, p. 289, quotes an ancient Arabic name of God, "raḥim", in accordance with Dussaud, *Voyages*, p. 258, a work which is inaccessible to me at the present moment.

RĀ'INĀ. This is mentioned in 4:48 as one of the expressions which the Jews employ only in distorting its original meaning and in place of which they were to say, "unḡuruā" (Verse 49). Also in 2:98, a verse which is likewise a product of the Medina period, the believers are given the command to avoid this expression "rā'inā" and to employ the term "unḡurnā" in place thereof. Accordingly, this latter term expressed the original sense of a word which the Jews, according to Mohammed, maliciously pronounced "rā'inā". "Rā'inā" in Arabic could be only the imperative of the third form of the verb "ra'ā", which means "to take notice, to have regard". If the Jews had used the word only in this sense, Mohammed would hardly have had any grounds for objections; he must therefore have perceived from it an additional and secondary meaning which the Jews must have assigned to the word. Geiger has already called attention to the Hebrew "rā'" "bad, wicked", with the meaning of which Mohammed must therefore have been acquainted. In my opinion this explanation deserves to be given the preference over that of Hirschfeld, who, in his *Beitrag*, p. 64, is inclined to regard "rā'inā" as equivalent to "re'ē-nā" (compare "re'ē be-'onjenu" of the Shemoneh Esreh). My reason for preferring this opinion of Geiger's is that what Mohammed wanted to forbid was the use of an *ARABIC* word, which was undesirable because of the secondary meaning which had been attached to it. Otherwise its use would not have been forbidden to the *BELIEVERS* as well.

ZABŪR. A designation for the Psalms of David which is employed ever since the II Meccan period, sometimes used with the article (21:105), at other times without the article (4:161; 17:57). Likewise in the plural, "zubur", the word occurs repeatedly since the I Meccan period, and indeed the word is employed likewise as a designation not only for the writings which were revealed to the earlier prophets but likewise for the books which are kept in heaven and in which the deeds and the destinies of human beings are written down (54:43, 52). It has already been proved that the word "zabūr" in the signification of "writing" is of pre-Islamic origin; see Fraenkel, "*Fremdwörter*" p. 248; Cheikho, *Le Christianisme*, p. 155; further, Labid, XIII, 2; Miḥašš al Uqaili, L. A., VIII, p. 55, s. v., "q r ṭ s" (Abū Zaid, Nawādir, 185), and for "zabara", "to write", cf. Abu Dhu'aib in Ibn Duraid, 30. When the Hebrew "mizmōr", had come to Mohammeds ears, or even the corresponding Aramaic word "mazmōr(ā)", or the Ethiopic "mazmūr" (which was borrowed from the Aramaic) he took it in the sense of the Arabic "zabūr" as "writing". This explains the fact that he could speak of "*a* zabūr" that "we gave to Daud", just as well as of "*the* zabūr." Besides he does not use "zabūr" for the psalms of David only but for other writings as well. A similar explanation has already been given by Fraenkel, *ibid.* p. 249, while Brockelmann, *Grundriss d. vergleich Grammatik*, vol. I, p. 260, has adopted the other suggestion which Fraenkel had previously quoted as an alternate view, that "zabūr" developed from the word "mazmūr" through a haplological elipsis of syllables in conjunction with a digressive dissimulation in a purely phonetic manner. I do not regard this hypothesis as probable, in view of the fact that the terms "zabara" and "zubur" were so wide-spread in pre-Islamic times, as well as in view of Ḳoranic usage, which employed "zabūr" "writing", in a general sence. It cannot be determined whether it was from Jews or from Christians that Mohammed had heard of the designation for the Psalms, which he then transformed into "zabūr", in conformity with the pattern of a word for "writing" which at that time was customarily em-

ployed in Arabia. Of course the Hebrew heading of the whole book of the Psalms is "tehillim", the Syrian and Ethiopian "mizmōrē" and "mizmūrāt" respectively, but inasmuch as the heading of many of the separate psalms even in the Hebrew text is "mizmōr", Mohammed could very easily have heard likewise of this Hebrew form. For the Arabic "mizmār", "flute", compare Schwally, *Z.D.M.G.*, LII, p. 133, it is already employed by Garīr, see Naḳāīḍ, CXII, 5. The term "zabūr" in conjunction with "taurāt" as a designation for the holy books of the Jews is mentioned likewise by the Jewish poet Sammāk, I Hish, 659:1. See above s. v. "taurāt".

ZAKĀT. This term is employed since the II Meccan period in the sense of "probity", "benevolence", "charitableness" then in the sense of "alms" and of "poor rates", "taxes for the poor". Compare especially the works of Snouck Hurgronje listed in Juynboll, *Handbuch des islam. Gesetzes*, p. 94; further, Noeldeke-Schwally, II, p. 205, and Levi della Vida, *Rivista di Studi Orientali*, vol. IV, p. 1067. Inasmuch as "tazak-kā" in the sense of "to do charity" is met with as early as in the I Meccan period (see in particular 92:18, and furthermore, Schulthess *Z.A.*, vol. XXVI, p. 150 ff.) this denominative use of the term proves that Mohammed was acquainted with the noun even in the early period of his career. Even Fr. (p. 23) regards "zakāt" as being derived from the Jewish "zākūt", cf. further, Noeldeke, *Neue Beitr.* p. 25, Note 3. Noeldeke is in doubt as to whether Mohammed himself undertook the peculiar specializing of the significance of the Jewish word or whether the Arabian Jews already employed it in this sense. Now as a matter of fact, we find that the word "zākūt" in the significance of "alms, charity" occurs as early as in the Aramaic Book of Tobit (ed. Neubauer, 3:8; 4:10 5:20 11:16; see my observations in *Islam*, VIII, p. 137), whereas the verb "zekhā" is frequently used in the Talmud Jeruschalmi in the sense of "to give", "to make a present of", see Dalman, *Grammatik*,² p. 246. Even though, in the case of the translation of the Book of Tobit, the suspicion of Islamic influence may not be altogether excluded, at any rate the verbal use of the term in the Talmud Jeruschalmi indicates that even before the time of Mohammed the word had already

received among the Jews the significance in which the *Ḳoran* customarily employs it.

"Zakkā" in the second form is found in the pre-Medina period only in 91:9, where it is equivalent to "tazakkā", as Schultess has proved, and in 53:33. In the latter passage, as in several Medina passages (for example, 2:169; 3:71; 24:21), it has the meaning "to declare as righteous", a significance which Noeldeke, *Neue Beitr.* p. 25, note 3, has already regarded as borrowed from the Jewish form "zikkā". However, this meaning is not appropriate or correct for other passages of the Medina period. In 2:123, 146;3: 158; 62:2 the text throughout speaks of the *MESSENGER* of Allah, who "yatlū 'alaihim āyātīnā wa yu-'allimuhumu l-kitāba wal ḥikmata wa-yuzakkīhim"; practically the same reading is to be found in all these passages, with only a few slight variations. Here the word can hardly be taken to mean "to declare as righteous"; neither does this meaning fit in with the context, nor would this be the task of a prophet. Only Allah can acquit the righteous "on the day when no intercession will be availing", 74:49. When one takes into consideration the fact that in 62:2 it is expressly emphasized that the messenger of Allah who is charged with the reading, the teaching, and the "tazkiya", is sent to the "ummīyūn", it will probably not be too far-fetched to bring the word "yuzakkīhim" in all of these passages into relation with the saying of Ḥananyā b. 'Aḳašyā, *Makkot* III, 16, a saying with which Mohammed may have become acquainted in Medina and which reads as follows: "rāšā haḳ-kadoš bārūk hu le-zakkōt et Yisrael le-fī-kākh hīrbā lahem tōrā u-mišwōt". The meaning would then be that there are now being granted to the "ummōt hā-'ōlām", or, more particularly, to one of them, the Arabians, the same privileges which are already possessed by the Banū Isrāīl, and that these privileges are falling to their lot by virtue of the messenger of God who was sent to them. By means of the heavenly book which has been revealed to them they possess the possibility of acquiring merits just like the "possessors of the writings", provided, that they observe its prescriptions. Hence in these passages the word "yuzakkīhim" would have to be interpreted as meaning, "he provides them with merits".

Again, in 9:104, we are confronted with a case entirely different from the one which we have just discussed. In this passage the statement is made of the taxes (*ṣadaqa*) that they "tuṭahhiruhum watuzakkīhim" i. e. the believers. In this passage the word "tuzakkīhim" is manifestly to be understood as a synonym of the word "tuṭahhiruhum" which immediately precedes it in the text; therefore, it is employed in the sense of the Aramaic "zakkī", "to purify". The passage reminds one of the saying of Rab found in Bereshit Rabba 44, at the beginning: "lo nittenu ha-mišwōt ellā le-šāref bāhen et hab-beriyot".

SAFAKA AD-DIMĀ'A. This expression is employed only twice, in the Medina period, in 2:28 and in 2:78, both times in conjunction with Biblical reminiscences. Inasmuch as it seems that this mode of expression does not occur in the pre-Islamic period, I would prefer to assume that it is borrowed respectively from the Hebrew "šāfak dam" or the Aramaic "šefakh dam", which expression has been retained by the Targum as well as by the Pešitta. Since Mohammed employs it for the first time in Medina it is quite possible that he may have heard it from the Jews in that city.

SAKĪNA, which is found only in passages of the Medina period, has already been recognized by Geiger, p. 54 f., as being borrowed from the Jewish "šekhīnā". The word is employed likewise in Syriac, frequently in the Jewish sense (see Geiger, *Z.D.M.G.*, vol. XXI, p. 489; Noeldeke, "*Neue Beitr.*", p. 24), whereas the Mandaean "šekhinta" has a different significance (Brandt, *Mandaische Schriften*, p. 26; Lidzbarski, *Johannesbuch*, p. 5, Note 2; Noeldeke, *Festschrift Kuhn*, p. 133). The question of the employment of this word in the *Ḳoran* is treated in detail by Goldziher in his "*Abhand. z. arab. Philologie*", Vol. I, p. 178 ff. Goldziher, like Noeldeke, emphasizes the fact that Mohammed did not associate any definite meaning with the word. In the sense of "rest" the word "sakīna" was customarily employed in Arabia even in pre-Islamic times (see Noeldeke, *Neue Beitr.*, p. 25), with the result that Mohammed could easily ascribe and adapt to it the Jewish significance of "šekhina".

Just as is the case in Sura 2:249, the word "sakīna" occurs without the article likewise in the verse of 'Āmir b. al Akwa', I Hishām, 756: 10, which Ibn Sa'd, II, :51 ascribes to the prophet himself (cf. further , Ibn Sa'd, III 2:80; IV 2:37):

"fa-anzilan sakīnatan 'alainā",

"Then cause a "Sakīna" to descend upon us".

In connection with the previous history of the word "Šekhīna", which has been treated by Dalman, *Worte Jesu*, p. 187, there must perhaps be taken into consideration likewise the fragment of the Gospel of the Hebrews, which is cited by Hieronymus in the "Commentary to Isaiah" (cf. Preuschen, *Antilegomena*, p. 4): "tu es enim *REQUIES* mea, tu es filius meus primogenitus"

SIFR is found only in one passage, 62:5, which is a product of the Medina period. That "sifr" is not an Arabic word has already been observed by Fraenkel, p. 247, who traces it back to the Hebrew "sefer". Inasmuch, however as likewise Syriac and the Christian-Palestinian know of the word "sefrā" as well as does the Jewish-Aramaic, it could have been taken over from the Christians equally as well as from the Jews. The question with reference to the circle from which Mohammed took the word would be solved if the parable of the ass that is bearing the books, in which story the prophet employs the word, could be pointed to in one of the literatures with which we are concerned in this connection. The parable does not appear in the Jewish literature until the post-Ḳoranic period (see the proofs quoted in Ben Yehouda, s. v. "ḥamōr"), and accordingly it became known to Jewish literature only as a result of the Ḳoran.

SAFARA occurs in an early Meccan passage, 80:15. Like "sifr", it is a hapax legomenon in the Ḳoran. In this passage the statement is made of the sublime pages of the heavenly book that they are to be found in the hands "of sublime, pure scribes". As it appears, no one has as yet observed that in this instance likewise we are concerned with an adopted foreign word which is borrowed from the Hebrew "sōfēr" or from the Aramaic "sāfrā", which latter word is employed by Jews as well as by Christians.

SULLAM, a term which is used for the heavenly ladder since the II Meccan period (for 52:38 see Noeldeke-Schwally, I, p. 105). Schwally regards this word, which in the Arabic has no possible derivation, as a foreign word borrowed from the Hebrew or from the Jewish-Aramaic, *Z.D.M.G.*, vol. LIII, p. 197. The Biblical ladder reaching up to the heavens which is mentioned in the story of Jacob's dream and which is called "sullām" in the Hebrew text is not called "sullam" in the *Ḳoran* but is rendered in 70:3, which probably contains an allusion to it with the word "ma'ārig", equivalent to "ma'āreg" which is employed in the Ethiopic translation (see on this point my essay *Islam*, IX, p. 176). On the other hand, Soṭah 35a furnishes a parallel to 6:35, in which former passage the following statement is made with reference to Moses: "im yōmar na'ase sullāmōt we-na'ale lā-rāḳī'a lō nišma' lō". Mohammed was not the first one to transfer the word sullam to Arabian soil. Several passages in the verses of the poets in which it occurs have already been listed in Goldziher's Commentary on Ḥuṭaia XVII, 5; cf. further, al A'shā Šu'arā an Naṣrāniya, p. 379; Mufaḍḍaliyāt, ed. Lyall, XLI, 17 (al Ḥasafī b. al Muḥarib) Hommel, *Aufsätze u. Abhandlungen*, p. 20; Landberg, *Etudes sur les dialectes de l' Arabie méridionale*, I, p. 612; and Freytag, *Arabum Proverbia*, II, p. 331. D. H. Mueller, *Epigraphische Denkmäler aus Arabien*, p. 23, asserts that Euting, 9:5, "b s l (m t) j'" too is to be interpreted as a dual feminine form of "sullam", and Hommel, *Südarab Chrestomatie*, p. 124, lists the word "s l m t" as meaning "stairs". Even though these Southern Arabian passages may be uncertain, nevertheless there can be no doubt that the word "sullam", "ladder", no matter of what origin it may have been in the Arabic language, had become indigenous in Arabia and incorporated into the Arabic tongue even before the time of Mohammed.

SALWĀ. This word is mentioned repeatedly since the II Meccan period in conjunction with the term "mann"; it corresponds to the Hebrew "selāw", "quail", and, as has already been observed by Fr. (p. 24), it owes its origin to an Aramaic translation of the Bible, whether it be derived from the Targum (Ps. Jonathan, Numeri 11:26, 32) or from the Pešitta, both

of which have the reading "salwai" and "salwē", respectively. Of course the expression "al-mann was-salwā" is found likewise in a verse of al A'shā; see I Hishām, 368; Ibn Ḳutaiba, Adab 129 (Cairo edition); Mufaḍḍaliyāt, ed. Lyall, CXVI, 6, in the Commentary. However it has already been observed by Lyall in the notes to his edition that the verse is lacking in the poem concerned in the text as quoted in Tabari, I, 985 ff., as well as in the manuscript of al A'shā's Diwan. Accordingly the assumption is that it is a post Ḳoranic interpolation with which we are concerned in this case.

SA UT. In 89:12, a product of the early Meccan period, we read: "he poured out upon them the 'sauṭ' of his wrath", a word which Barth, *Etymolog. Studien*, 14:1, Z.A.T.W., XXXIII, p.306; XXXIV, p. 69, compares with the Ethiopian "sōṭa", "to pour out", just as likewise in Isaiah 28:15 and in Job 9:23, the Hebrew word "šōt", according to Barth, is to be understood as meaning "flood". Now whether Barth's view is appropriate and apt for these Biblical passages or not, (for an opposing view see Fraenkel, *Beiträge zur Assyriologie und sem. Sprachwissenschaft*, III, p. 68), these verses could have exercised an influence over the Ḳoranic passage only in the event that in the early exegesis the word "sōṭ" was already considered as having the signification of "flood". For this hypothesis, however, there are no indications whatsoever at hand. Perhaps, however, the word "sauṭ" in 89:12 is to be conceived as borrowed from the Ethiopic or from the Southern Arabic, whilst in Northern Arabic "sāṭa" has the meaning of "to mix" (see Lane, s. v.).

SŪRA. With the exception of 10:39 and 11:16, both of which are products of the II Meccan period, "sūra" is found only in Medina passages. In conjunction with the word "anfala" it means "to send down a Sura". Noeldeke was the first to trace its derivation back to the Neo-Hebraic "šūrā", "row" *Geschichte des Qorans* p. 24; see further, Fr., p. 22; Noeldeke, *Neue Beitr.* p. 26. Of course the Hebrew "šūrā", "row", does not correspond in absolute fashion to the Ḳoranic "sūra, as far as its intrinsic meaning is concerned, but even though the

meaning of "line of a book", as it appears in the Post Talmudic literature, has not yet been verified as having existed in Mohammed's time, the possibility is that it may have been customary already at that time. That "sūra" should owe its existence to a misreading of the Aramaic word "sidrā" as Hirschfeld has assumed (*New Researches*, p. 2, note 6; p. 113, note 81) cannot possibly be considered. Likewise the Syrian "sebharta", which occurs in later times in the sense of "lectio ex evangelio quae in liturgia recitatur" can hardly be taken into consideration; see Margoliouth, *Encyclopaedia of Religion and Ethics*, vol. X, p. 538 f.

ŞADAQA, "alms", "charity", does not occur in the pre-Medina period. However, to conclude from this that Mohammed learned the word for the first time in Medina would be premature and rash, in view of the fact that the denominative form of the word, "taşaddaqa" is found in 12:88, a product of the III Meccan period. Outside of the Kōran this latter form is found likewise in the verse of 'Āmir b. al Akwa', I Hishām, 756.8, which verse is ascribed to the prophet himself, in Ibn Sa'd, II, 51, 81. Fr. has already observed (p. 20) that the word "şadaqa", meaning "charity", is borrowed from the Hebrew or from the Aramaic. Inasmuch, however, as the Syriac likewise employs the word "zedkethā" and the Christian-Palestinian employs the word "şedkā" in the same signification, it cannot be decided definitely whether Mohammed heard the word from the Jews or from the Christians. The word "şaduka" has another meaning, found only in 4:3, where it means "the morning offering (of the bridegroom); cf. "şadāk", "free gift", Wellhausen, *Nachrichten d. Gesellschaft d. Wiss. zu Göttingen*, phil.-historical Class, 1893, p. 434.

Ever since the I Meccan period the word "şaddaqa" is met with frequently in the second form. However, even though in 70:26 the phrase "Yuşaddikūn bi yaum ad-dīn", externally, at least, seems to be reminiscent of the Jewish "şiddūq had-dīn", the fact is that in this passage it has nothing whatsoever in common with the Jewish expression for in every Kōranic passage "şaddaqa"

means "to declare as true", and in no place at all is it employed outside of this genuine Arabic sphere of meaning.

ṢIDDĪK. On the other hand, the word "ṣiddīk", the occurrence of which ever since the second Meccan period can be confirmed (19:42,57), and which is employed as an adjective applied to Idrīs, Ibrāhīm, Yūsuf, as well as in the feminine form "ṣiddika" as an attribute of Mary, has already been explained by Fleischer, *Gessammelte Schriften*, II, p. 594, as being derived from the Hebrew-Aramaic "šaddīk"; cf. likewise Fr., p. 20. Inasmuch as Syriac, too, employs the term "zaddīk" and the Christian-Palestinian uses "šaddīka" in the same sense, in this case too we can come to no definite conclusion as to whether the word reached Mohammed through Jewish or through Christian mediation. Perhaps, however, the fact that the word "šaddeket" occurs in Jewish literature likewise as an adjective applied to several feminine characters of the Bible, see Levy, *Wörterbuch*, Vol. IV, p. 172) may be regarded as indicative rather of the Jewish origin of the Koranic designation. For "ṣiddīk" as a surname of Abū Bekr compare Lidzbarski, Vol. I, p. 93.

IBADA, employed since the II Meccan period (21:19; 19:66, and elsewhere) in the sense of "the service (worship) of God", while other forms of "'abada" in the sense of "to serve (worship) God" occur even in the oldest revelations, e. g., in 106:3, where the text reads as follows: "falya'budū rabba hāḏa'l-baiti". This employment of the word is pre-Islamic, but on the other hand, the formation "'ibāda", which does not seem to occur in the earlier period, corresponds exactly to the Hebrew "'abōdā", with the result that in the Glossary to his *Chrestomathie* A. Fischer has already characterized it as a word borrowed from the Hebrew expression. This explanation is quite possible, although the Arabic too could have built up this form in an independent manner. The Oriental Christians employ the word "ebad", but not in the sense of the worship of God. "Ibāda" in the sense of divine worship we also find with Bugair b. Zuhair, a contemporary of Mohammed, who in I Hishām, 858:1, says as follows:

wa a‘azzanā bi-‘ibādati r-raḥmāni”,

“And has gained glory for us through the worship of the Raḥmān”.

‘AZZARA. The term “‘azzara” is found only in passages which are products of the Medina period: 5: 7:156 (on these two verses see Noeldeke-Schwally, I, p. 159) 48:9. In 7:156 the reading fluctuates between “‘azzarūhu” and “‘azarūhu” (see Baidawi to this passage). The Arabic “‘azara” otherwise has the meaning of “to hold back”, “to hinder”, and perhaps corresponds to the Hebrew “‘āṣar” etymologically. However, in the passage from the Koran which we have just mentioned, it has the signification of “to help”, and in my opinion it seems to have been borrowed from the Hebrew “‘āzar”. The reading which has the single instead of the doubled second radical (see above) would correspond better to this derivation of the word and accordingly was likely the original one.

AṢAINĀ occurs in 2:87 and in 54:48, in the narrative of the giving of the law on Sinai. According to this story, the Banū Isrāīl at that time had said, “sami‘nā wa‘aṣainā”, which phrase in Arabic can have only this meaning.” we hear and are disobedient”. The latter word is, according to 4:48,49, a corruption of the original meaning, for the Banū Isrāīl should rather have said, “sami‘nā wa aṭa‘nā”, “we hear and obey”. Hirschfeld, *Beiträge*, p. 63f., *New Researches*, p. 109, has already referred the above-mentioned words, with which Mohammed seemingly found fault, to Deuteronomy 5:24, according to which passage the Israelites affirmed their obedience with reference to the revelation on Mount Sinai by means of the words, “šāma‘nu we ‘āsīnū”; this word “‘āsīnū” Mohammed had heard, but he had interpreted it falsely in the sense of the Arabic “‘aṣainā”. The polemic of W. Rudolph, *l. c.* p. 18, note 53 against Hirschfeld, whose explanations of 2:87 he pronounces “more than remote and artificial” is entirely unjustified. It is evident that Rudolph entirely overlooked the passage in 4:48, 49 which provides the key to the solution of the problem by itself in the reading, “sami‘nā waaṭa‘nā” which is contained therein.

'*ĀLAM* never appears in the Koran in the singular, but always in the genitive plural, manifestly because this word formed a more convenient rhyme with the ending "in" than did the singular form ending in "am". In addition to the combination "rabb al 'ālamīn" which we have already discussed above, combinations like "ḏikr lil-'ālimīn", 68:52; 81:27, are frequently found even as early as since the first Meccan period. It is self-understood that "'ālam" in Arabic is a borrowed word, but it was not taken over for the first time by Mohammed, who employs it constantly in the signification of "world", but it is found also in the monotheistic inscription from Southern Arabia (*W.Z.K.M.*, vol. X, p. 287) in which mention is already made of "'l m n b- ' d n w ḵ r b n ', i. e.", "of the far off and of the near world". Not only does the post-Biblical Hebrew employ the word "'ol-āmīm" (in addition to the form "'olāmōt" which is of more frequent occurrence) in the signification of "worlds" (in contradistinction to the Biblical Hebrew, which knows of the word "'olāmīm" only in the sense of "eternity", "forever"), but the Syrian likewise employs the corresponding form "'ālemīn". Accordingly, no decision can be rendered as to whether the word in Arabic is of Jewish or of Christian derivation.

'*ILLIYŪN*, occurring in 83:18, 19, a passage which is a product of the early Meccan period. According to Verses 19 and 20 "'illiyūn" is a "written book", whereas in verse 18 the text states, "The book of the pious is in "'Illiyūn". In this word Fr. (p. 23) has already recognized a mistaken reading for the Hebrew "'elyōn", and Noeldeke, *Neue Beiträge*, p. 28, agrees with this view. Mohammed's mistake can perhaps be explained on the following ground, that he had learned that the book in which were recorded the deeds of men was kept by the "'elyōnim"; for this is the name which is frequently applied to the heavenly beings in the Talmudic literature, in contradistinction to human beings, who are called "taḥtōnim"; e. g. in Ketubot 104a. At any rate, it is certain that Mohammed heard the word from Jews.

FAḤḤAR, found in 55:13 (II Meccan period), a Ḳoranic *happax legomenon*. It is usually conceived to signify "clay utensils", but it could just as well serve as a designation for the "potter"

likewise. Inasmuch as the word in the Aramaic likewise already has both these meanings among the Jews, Christians, and Mandaeans (see Lidzbarski, *Z.D.M.G.*, LXXII, p. 189 ff.), there is no reason to assume in this passage a mistake on the part of Mohammed (Noeldeke, *Mand. Grammatik*, p. 120, note 2; *Neue Beiträge*, p. 23, note 1). As early as in the spurious verse of Umaiya L, the Koranic "faḥḥār" is understood to mean "potter"; see Fischer *Z.D.M.G.*, LXXII, p. 331 f., who adduces further evidence and proofs bearing on the word from the later poetry. It cannot be determined with certainty whether Mohammed took the word over from the Jews or from the Christians.

FURḲĀN. This word occurs in 21:49 and in 25:1; both of which passages belong to the II Meccan period, in the sense of "revelation"; it is found likewise in the Medina period, 2:50; 181; 3:2. Only in 8:29, 42 is it used in the sense of "deliverance" "help", or perhaps likewise of "decision"; cf. Noeldeke-Schwally, I, p. 34, note 1, and Noeldeke, *Neue Beiträge*, p. 23f.; cf. likewise Wensinck's Article "Furḳān" in the *Encyclopedia of Islam*. Geiger has already (p. 56) traced its origin back to the Jewish-Aramaic "purḳān", which is employed in the Targumim as the translation of the Hebrew "ješa'" and "ješu'ā". (Its appearance in certain Aramaic prayers, such as the Y'eḳūm purḳān" and the "Ḳaddiš derabbānān" need not be taken into consideration at the present time, since both of these no doubt date from the post-Talmudic period.) Inasmuch, however, as the Syrian and the Christian-Palestinian "purḳān" likewise is employed in the same sense, it is possible that the term could have become known to Mohammed through Christian mediation likewise. Now as regards the fact that in 8:29, 42 the word is to be regarded as having the meaning of "decision", one could ascribe this change of meaning, as does Noeldeke, to the influence exerted upon it by the Arabic word "farāḳa", "to separate, depart, divide"; or perhaps it may be, as Lidzbarski (*Zeitschrift für Semitische Wissenschaft*, I, p. 92) believes, that the victory gained at Bedr was characterized in the presence of Mohammed by one of his adherents of Jewish descent as the "Yōmā defurḳāna", as is the case in the Targum to I Samuel 11:13, in connection with Saul's victory over the Ammonites.

And yet how did it happen that a Jewish or Christian expression meaning "help", "salvation", was employed by Mohammed himself in the signification of "revelation", which meaning is known of even in the first passages which employ the term? Wensinck is of the opinion that in this case likewise the Arabic signification of the verb "faraḡa" exerted an influence over the conception of the word, and that in these verses "furḡān" meant for Mohammed the distinction "between the true and the false". Lidzbarski (*l. c.*) calls attention to certain Gnostic doctrines in accordance wherewith redemption and salvation are brought about in particular through the agency of revelation. Others have cited 17:107 in explanation of this problem, in which verse it is said of the Ḳoran, "We have divided it (faraḡnāhu), so that thou mayest present it to mankind in the intervals". In this word "faraḡnāhu" Grimme (II, p. 72) has already attempted to recognize a reminiscence of the Hebrew "perēḡ", while Hirschfeld, *New Researches*, p. 68, and Margoliouth, *Mohammed*, p. 145, and idem, *Encyclopedia of Religion and Ethics*, Vol. IX, p. 481, and X, p. 539, trace "furḡān" back to the Hebrew "perāḡīm", in which analysis Margoliouth is thinking of the "pīrḡē ābōt" which Mohammed, in his opinion, regarded as a portion of the revealed writings alongside of "taurāt", "zabūr", and "ingīl". To be sure, this latter explanation is not very probable, because Mohammed too calls the revelation which was sent down to him himself "furḡān", 25:1, and therefore he cannot have regarded this term like those other designations as the name of one of the holy books which had been revealed in previous times. On the other hand, it would not be quite impossible to believe that Mohammed might have deduced from the word "perāḡīm", which he had understood to be an Arabic plural, a singular form "furḡān", a word which, even in previous years, had become known to him as a Jewish or Christian designation for "salvation" and which therefore now appeared to him to be, equally with "kitāb", a general designation for the revealed writings. Perhaps also it is not quite out of place to call attention to the Aramaic form "pīrḡīn", which Mohammed may have changed into "furḡān", and the word "pīrḡān" would be even still closer to the Ḳoranic form, which form "pīrḡān" is repeatedly

mentioned in the Baraita Erubin 54b and which is there employed with reference to the doctrines handed over by Moses to the individual groups and to the people as a whole. However, the assumption that Mohammed had already had information regarding such a passage in Mecca is anything but probable.

FASSARA. From this word is derived "tafsīr", found in 25: 35, a product of the II Meccan period. Fraenkel, p. 286, derives the verb "fassara" from the Syriac, where, just as in the Christian-Palestinian, the form "pešar" as well as the Pa'el "paššar" in the sense of "to interpret", "explain", occur. And yet the same verb is not infrequently found in the Jewish-Aramaic likewise (see Bacher, *Terminologie*, I, p. 156 f.; II, p. 178), even though, to be sure, the form "pērēš" is more frequent. Accordingly, in this instance likewise it cannot be determined whether Mohammed took the word over from Jews or from Christians.

ḲADDASA. As early as in the I Meccan period Mohammed translates the phrase "holy ground", which is employed in the story of Moses' summons, Exodus 3:5, as "al wādi al-muḳaddas (79:16; 20:12), and in the Medina period, 5:24, he speaks of the promised land as "al arḍ al-muḳaddasa". The Hebrew text of the Bible has the reading "admat ḳōdeš" in both instances (see Zechariah 2:16), for which the Targum in Exodus has the reading "athar ḳaddiš", and in Zechariah, "ar'ā deḳudšā"; in both corresponding passages the Pešiṭta employs the same words. But even before the time of Mohammed Imrullḳais, XXXI, 12, knows of the participle "muḳaddis" (see Fraenkel, p. 270, and A. Fischer, *Z.D.M.G.*, vol. LX, p. 409), just as likewise in a certain verse which is ascribed to al-A'shā (this verse, to be sure, is ascribed by other authorities likewise to 'Abdalḡinn or even Aḡṭal; see La. A., XIII, 6; Jāḳūt, IV, 781), with reference to the worship of God carried on by the monks, the verb "ḳaddassa" is employed. However, even though the verb "ḳaddasa" had found its way into the Arabic language even before the time of Mohammed, nevertheless the Biblical "wādi al-muḳaddas" could have become known to Mohammed for the first time only in connection with Biblical narratives and through the agency of Jews or of Christians. On the other hand, although in the

spurious verse of Umaiya, XXVII, 8 the word "ḡuddūs" (see below) of Sura 59:23 is replaced in 62:1 by the word "muḡaddas" (in the context "Allāh al-Muḡaddas"), this substitution can be explained as having been made solely for metrical reasons.

In 2:287 (a Medina passage) likewise the angels are represented as saying to Allah as follows: "naḡnu nusabbiḡu biḡamdika wa-nuḡaddisu-laka", a sentence which reminds us of the Jewish "Ḳedušša": "Ke-šēm še-maḡdīšīm ōthō bi-šēmē marōm". Allah is characterized as "al-malik al ḡuddūs" in the Medina period in 62:1 and in 59:23 likewise. Inasmuch as the same combination, "ha-melek haḡ-ḡādōš", occurs already in Psalm 89:19, and is found employed subsequently in the Jewish prayers, Hirschfeld, *Beiträge*, p. 40, has regarded "ḡuddūs" as being borrowed from the Hebrew "ḡādōš". In this explanation he is entirely correct, since in all the Aramaic dialects, among Jews as well as among Christians, the corresponding adjective is always "ḡaddīš". At best the Ethiopian, which likewise has the word "ḡedūs", might in addition enter into consideration in this connection, and yet the fact that the word does not appear until the Medina period is an indication rather of Jewish origin than of Christian-Abyssinian derivation.

ḲAIYŪM. This word is employed as an attribute of Allah, always in conjunction with "ḡay", since the II Meccan period, 20:110. Hirschfeld, *Beiträge*, p. 38, and Fr., p. 23, have compared it with the Jewish phrase "ḡay we-ḡaiyām", found for the first time in Daniel 6:27, and subsequently in the Targumim, the Talmud, and the liturgy; cf. likewise Lidzbarski, *Nachrichten d. Gesell. d. Wissenschaften zu Göttingen*, phil.-historical Class, 1916, p. 90. In this instance we have a clear example of a word borrowed from the Jews, since the Christians of the Orient do not know of this word "ḡaiyām" at all. Outside of the Ḳoran the term is found likewise in Umaiya XXIV, 3, but this passage has undergone Ḳoranic influence.

MAḲĀM, occurring in 14:17; 55:46; 79:40 (products of the second and third Meccan periods respectively), in the following combination: "man ḡāfa maḡāma rabbiḡi". E. Landau, *Die dem Raume entnommenen Synonyma*, p. 32, would like to recognize in this word a reproduction of the Jewish designation

for God, "mākōm,". However, the Hebrew "hamākōm" is a designation for God by itself, and therefore in this sense it does not stand in the construct relation to a following name of God as does the Koranic word "maḳām" in the passages listed above. Grimme, who at first agreed with Landau (*Mohammed*, II, p. 46), at a later period, in the *Z. A.*, XXVI, p. 160, correctly called attention to the Sabeian "m ḳ m r b k" (Glaser, 5549:31; 1359, 1360:14), which corresponds exactly to the Ḳoranic combination; cf. likewise combinations like "w ḥ m d u m ḳ m 'l m ḳ h," "and they praised the power of (the God) 'l m ḳ h", and others. In this instance there can be no doubt as to the influence exerted by the Southern Arabian on the Ḳoranic mode of expression. A. von Kremer was of the opinion that in the passage in Labīd, III, 8 likewise, "wa-maḳāmun akrim bihi min maḳāmin", the word "maḳām" was to be interpreted in the sense of the Jewish designation for God, "ha-mākōm" (*Sitzungsberichte d. Wiener Akademie*, phil.-historical Class, Vol. XCVIII, p. 574). But I believe that this explanation, too, is incorrect, since in this passage the word "wa-maḳāmun" is not the continuation of the expression "allaḏī huwa'l-ghaffārū", which immediately precedes it in the text, but of "wa-ḥisānun", at the beginning of verse 7, and is employed with reference to the position which man has gained for himself by reason of his deeds on earth.

KAFFĀRA. This word occurs three times in the fifth Sura (Medina period) in the sense of "atonement". Lagarde, in his *Ubersicht über die Bildung der Formen*, p. 233 ff., erroneously wished to compare it with the Hebrew "kappōret". As has already been recognized by Hirschfeld, *Beiträge*, p. 90, the word is rather to be regarded as a derivation from the late Hebrew "kappārā" (cf. likewise Wellhausen, *Reste*, ² p. 193, note 2; Fraenkel, *Z.N.T.W.*, Vol. V, p. 257f.; and Gottschalk, *Das Gelübde*, p. 81), of which Mohammed had heard from the Jews in Medina.

LAUH. In 85:22, a product of the first Meccan period, it is said with reference to the Ḳoran that it is "fi lauḥin maḥfuẓin" "on a well-preserved tablet". This heavenly tablet, which contained the original ("umm al kitāb", 13:39) of the Ḳoran

which was revealed to Mohammed, corresponds to the heavenly tablets of which the Book of Jubilees makes mention repeatedly, e. g., in 5:13; 16:9; 32:21 and elsewhere. In the latter passages, however, in the Ethiopian text, the word "lauḥ", which is otherwise customarily employed in the Ethiopian likewise, does not occur anywhere at all, but only the word "ṣelē" (plural, "ṣelāt") or "salidāt" (from "salidā", which in turn goes back to "σελῖς"), and in Enoch 93:2, we find the word "ṣafṣāf". In other passages likewise neither the Jews nor the Christians appear to employ the designation "luaḥ" or the Aramaic "lauḥā" for the book which is preserved in heaven, but Nebuchadnezzar employs the corresponding Babylonian word "li'u" in his Borsippa inscription (Langdon, No. 11, Col. II, 13) as a designation for the heavenly tablet of destiny which otherwise is called "dup-šimātē" in the Babylonian. This use of the word had possibly persisted among one of the Gnostic sects up to the time of Mohammed. Of course, it is likewise possible that Mohammed may have transferred the word "lauḥ", which he employs in another passage, i. e., in 7:142ff., (belonging to the III Meccan period), in agreement with Biblical usage (Exodus 24:12, "halūḥot"; Pešitta, "lauḥē"), as a designation for the tablets of the law given by Moses, to refer to the tablets of the heavenly book likewise, and that he may have done this independently, a hypothesis which is all the more plausible by reason of the fact that those tablets of the law likewise were conceived to have been written by the finger of God (Exodus 31:18). In this case, then, "lauḥ" would have to be explained as being derived from the word "luaḥ" of the Hebrew text or from "lauḥā" of the Targum or of the Pešitta, as is asserted by Hirschfeld, *Beiträge*, p. 36, as well as by Fr., p. 21.

MA'UN, a hapax legomenon in the Ḳoran, which appears in 107:7, in the I Meccan period. Geiger has already recognized in this word the Hebrew "mā'ōn", "refuge", which Mohammed, perhaps under the influence of the Arabic "āna", "to help", and "ma'ūna", "help" (see Rhodokanakis, *W.Z.K.M.*, vol. XXV, p. 67 ff.), employs in the sense of "act of kindness", "charity". Noeldeke, (*Neue Beitr.*, p. 28), who is in agreement with Geiger's derivation of the term, calls attention to the fact that

so early an authority as al A'shā knows of the word. For instead of the word "mā'indahu", which Geyer, *Zwei Gedichte*, I, p. 145, adopted into the text as the original reading, other witnesses and authorities have the reading "mā'ūnahu", which is manifestly the more original reading. Geyer, in Noeldeke, *l. c.*, assumes that al-A'shā may very well have heard the word from a Jew in Jerusalem while he was staying there; he, too, already employs it in the sense of "gift", "charity". In view of the agreement which the *Ḳoran*, likewise in other places, exhibits with the vocabulary of al A'shā (for this see my essay *Das Koranische Paradies*, in *Scripta Universitatis Hierosolymitanae*, I), it is not altogether improbable that in this passage likewise Mohammed was influenced by al-A'shā.

MALAKŪT, employed in the II Meccan period in the connection, "malakūtu kulli šaiin" (23:90; 36:83), and in the Medina period in the combination, "malaku malakūtu-s-samāwāti wal-arḍi" (6:75; 7:184). Geiger derives it from the Jewish phrase "malkhūth šamayim", while Fr., p. 22, on the other hand, regards it as undecided whether it is of Jewish or of Christian derivation, in which assertion he is undoubtedly correct, because Matthew 13:52, for example, is translated by the Pešiṭta likewise as "malkhūth šemayā". The combination "malakūtu kulli šai'in," reminds one of phrases from the Jewish liturgy, for example, of the expression, "malkhūthekha malkhūth kol 'olāmim", and others.

MANN. See above, s. v. "salwā", for the manna is mentioned only in connection with the "salwā". Inasmuch as the word "salwā" is not a translation or reproduction of the "selāw" of the original Hebrew text, but of the form of the word as it is usually employed in the Aramaic translation, so the possibility is that the word "mann" likewise (Hebrew, "mān", Aramaic, "mann(ā)") owes its origin to these translations, without our being able to determine, however, whether Mohammed had become acquainted with the word through the agency of Jews or of Christians.

NABĪ. Mohammed employs the word "nabī" as a designation for himself for the first time in the Medina period (for example, in 8:65:66, and other passages; likewise 7:156-158

are a product only of this period; see Noeldeke-Schwally, I, p. 159f.), but with reference to the earlier prophets he employs the word as early as since the II Meccan period (43:5, 6, 37:112, and elsewhere). Mohammed is designated as a "nabī" likewise by al-A'shā in his song of praise (I Hishām, 256:2), where he says of him as follows:

"nabiyun yarā mā la tarauna wa-ḍikruhu

l'a'amri aḡāra fi'l bilādi wa angadā",

"A prophet who sees what you do not see,

"And whose call, by my life, has penetrated into the low-lands and the highlands".

Umaiya also, XXXV, 3, employs the word.

Fr. (p. 20) has already recognized the word "nabī" as having been taken over from the Jews or the Christians, in which process the foreign word was made to depend upon the Arabic "naba'a" (see likewise Fischer, *Glossar*, s. v.). In 19:54 (a product of the II Meccan period), Mohammed employs the word in a particular sense with reference to Hārūn. In this verse Hārūn is designated by the prophet as the "nabī of Mūsā", in conformity with the Hebrew text of Exodus 7:1. Both the Pešitta, the Ethiopian translation, as well as the Ps. Jonathan retain the Hebrew word (Onkelos, "meturgemān"), with the result that in this case likewise one cannot come to any definite decision as to from which side Mohammed had first become acquainted with this particular use of the word. As the plural form "nabiyūn" has the preponderance, only in a few passages belonging to the Medina period the broken plural "anbiyā" occurs and this fact likewise is an indication that it took Mohammed quite a long time to forget the foreign derivation of the word.

NUBUWWA is mentioned since the III Meccan period (45:15; 29:26; 6:89) in connection with "kitāb" or "al-kitāb wal-ḥukm" as an inheritance which was received by the Panū Isrāīl. In accordance herewith it could appear as though Mohammed had heard of the division of the Jewish canon into three parts, and that by "nubuwwa" the "nebiim" are to be understood by "kitāb", used in this passage in a special sense, the "kethūbim" are meant, and by "ḥukm" (cf. 5:47, "at-taurātu

fihā ḥukmu'llāhi"), the law of the Torah is to be understood. And yet in another passage (3:43; 5:119) the "al-kitāb wal-ḥikma wat-taurāt wal ingīl" are mentioned as the holy books which were taught by Jesus, and in 3:75; 2:231, 252, "al-kitāb wal-ḥikma" are mentioned as the writings which were revealed to the Banū Isrā'īl. According to this it cannot be determined to which part of the canon Mohammed had reference by the terms "al-ḥukm" and "al ḥikma" respectively, if these designations are at all identical, for even though in 3:43 and in 5:119 the "nebi'im" are supposed to be meant by "al-ḥikma", this meaning is very improbable in 3:75 and in 2:231, 252, for then the Torah would remain unmentioned in these passages. However, it is not in the least doubtful that the word "nubuwwa" is borrowed from the Hebrew "nebū'ā" or the Jewish-Aramaic "nebuetha") respectively, (as has already been stated by Fischer, *Glossar*, s. v. because the Syrian and the Christian-Palestinian employ "nebiūthā" and the Ethiopian "tenbīt". For "nebū'ā" in the sense of "prophetical section" compare Bacher, *Terminologie*, II, p. 123.

NUSḤA, employed in 7:153 with the approximate meaning of "text", and the denominative of this word, "nastansiḥu", is found in 45:29 in the sense of "to write down", both of these passages belonging to the third Meccan period. In his *Beiträge* p. 36 f., Hirschfeld calls attention to the Jewish "nushā", but this word as employed in the Jewish literature has been proved to date only from post-Talmudic times. Lagarde, *Gesammelte Abhandlungen*, p. 196, and G. Hoffmann, *Z.D.M.G.*, XXXII, p. 760, note 2²² (cf. likewise M. Haug, *Essays*,² p. 125) attempted to trace the word "nushā" back to the Persian "nask", as the collections of Avestan texts are called among the Persians. But not only do the Nabatean inscriptions already know of the word "nushat" several centuries before Mohammed (see Fraenkel, p. 251, and Lidzbarski, *Handbuch*, p. 323), but likewise in the Babylonian the word "nishu" is frequently found in the sense

²² The form "nuska" in the Syrian (with a "k" instead of an "h"), to which Hoffmann calls attention, is not of great significance. It may be intended to serve as the reproduction of the Arabic "ḥ", just as in Syriac "kalifa" is found for "ḥalifa".

of "excerpt, exemplar copy" (see Muss-Arnolt s. v.) according to this it is not certain that Mohammed heard the word from Jews; to judge from its appearance in the Nabatean inscriptions we would probably come to the conclusion that it had been known of in Arabia long before his time.

MINHĀG, a hapax legomenon of the Medina period, occurring in 5:25. In his *Beiträge*, p. 89, Hirschfeld has already recognized in the word a borrowing from the term "minhāg" which is employed repeatedly among the Jews, and I believe that he is correct in this analysis. Cf. likewise Schwally, *Z.D.M.G.*, LIII, p. 197. Neither the Syrian nor the Christian-Palestinian knows of the word. The word is employed likewise by Mohammed's court poet at Medina, Ḥassān b. Thābit. in *Aganī*, IV, 7:7:

"aqāma 'alā minhāgihi wa-tarīqihi",
 "He tarried on his way and path".

MUHAIMIN, occurring in the Medina period, in 5:52 in the sense of "attesting", "confirming", and in 59:23 as an attribute of Allah. Fr. (p. 23) has already traced the derivation of the word back to the Aramaic, without coming to any decision as to whether it comes from Jewish-Aramaic or from Christian-Aramaic usage, while Noeldeke *Neue Beitr.* p. 27, adduces a Syrian proof for its signification of "attesting", "confirming". Now as far as "muḥaimin" as an epithet of Allah is concerned, Mohammed might have meant by this word something similar to what is conveyed by the word "mu'min" which stands next to it in the text and which in this passage can have only the meaning of "granting safety (security)"; see Noeldeke, *l.c.* At any rate, neither the Jewish nor the Christian-Aramaic employs a corresponding expression referring to God. On the other hand, the Targum as well as the Pešitta translate the Hebrew "hā-ēl ha-nee mām" in Deuteronomy 7:9 as "allāhā meḥaimnā", cf. likewise the Targum and the Pešitta to Deuteronomy 32:4, and Šabb. 10b. This word would come close to being the prototype of the Ḳoranic epithet, if the later were to be read in the passive voice ("al-muḥaiman"). However, this reading appears to be excluded because of the word "al-mu'min" which is contiguous to

it in the text. We are certain only of this much, that in this passage Mohammed makes use of an Aramaic designation. What he understood to be meant thereby remains vague.

WAḲĀR, occurring only in 71:12 (a product of the II Meccan period), in a rather obscure verse. In *Islam*, (IX, p. 178) I have given expression to the following conjecture, that just as "mēmṛā" and "šekīna" were taken over into the Ḳoran as "amr" and "sakīna" respectively, so the third of the Targumic circumlocutions for the name of God, "yeḳārā", gained admission to the Ḳoran under the form "waḳār". (For "yeḳārā", which is equivalent to the Hebrew "ḳābōd" cf. Goldziher, *Abhandlungen* I, p. 186, Note 5; Treitel, *Judaica Festschrift H. Cohen*, p. 181). But it is not only in the post-Ḳoranic poetry that frequent mention is made of "waḳār", "honor", in addition to and in connection with "sakīna" "rest" (see Goldziher, *l. c.*, p. 186 ff.), but likewise in the pre-Islamic period both expressions seem to occur side by side; see Noeldeke, *Neue Beitr.*, p. 25. Even though the Targumic "yeḳārā" may actually have exercised influence, at any rate Mohammed must have formed the word after the pattern of the genuine Arabic word "waḳār", "honor".

From the foregoing investigations there has been learned that of words whose Jewish origin is certain or at least very probable, Mohammed employs the following in the first Meccan period: "āmana", "ganna", "darasa", "tazakkā" (derived from "zakāt"), "illiyūn", "mā'ūn". The word "mu'tafakāt" represents a parallel formation built up after the pattern of Jewish usage. It still remains doubtful perhaps whether "bāraka" is borrowed from the Hebrew and whether "ahl" is employed in the sense of the Hebrew "ōhel".

Of those words which first appear in the second Meccan period the following are regarded as definitely determined Jewish derivatives: "mathānī" "gannāt 'adn", "ḳaiyūm", probably likewise "būr" and "siddiḳ". I am not at all certain whether or not "raḥmān", "ibāda", and "waḳār" in their transferred meaning, as well as "amr", belong to this class. In the third Meccan period there occur the following: "sūra", "nubuwwa", perhaps likewise "ba'ir". In Medina Mohammed then became acquainted with a number of Jewish expressions, as follows:

"ummī", "bahīma", "taurāt", "gabbār" (applied to God), "aḥbār", "ḥalāk", "rabbāni", "safaka addimā", "sakīna", "azara", "ḡuddūs", "kaffāra", "minhāg". By the word "aṣainā" he translates a misunderstood Jewish word, which is probably likewise the case with "ḥiṭṭa"; he believed that he could perceive a secondary meaning from the word "rā'inā" as uttered by the Jews.

The Jewish derivation of the remaining words which have been discussed in the preceding article cannot be proved with certainty.

THE DECISIONS OF MAIMONIDES IN HIS COMMENTARY ON THE MISHNA

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SIMILAR TO THE IMPORTANCE of the *Mishneh Torah* for the decisoric literature is the importance of the *Kitāb al-Sirāj* for the whole literature grouped around the Mishna. However unique in kind and purpose, the *Sirāj* exerted influence on all the following commentaries. And yet the rate allotted to these two works was very different. The *Mishneh Torah* became the centre of the whole halakhic literature. It acquired the place of a new code of general esteem and acknowledgment, like the Mishna a thousand years before, and the greatest halakhic scholars entered into competition with each other in composing commentaries to Maimonides and settling the difficulties, which the lack of indicating sources left to them. A similar fiery zeal we are quite missing in the study of his commentary on the Mishna, although the originality and ingenuity of it deserved it greatly. All the intention and interest devoted to the *Sirāj* remained calm and moderate. In one respect, however, it shared the fate of the *Mishneh Thora*, both losing their practical significance for the large mass interested in Mishnic and ritual knowledge almost simultaneously; the first owing to the commentary of 'Obadiah di Bertinoro, the latter to the *Shulḥan 'Aruk* of Joseph Caro. Both these successors of Maimonides made the most of his imperishable investigations and gained ground chiefly by accidental advantages. The *Shulḥan 'Aruk* omitted the Halakha connected with the Temple and sacrificial worship, and also the philosophic elements which Maimonides introduced into his code. Bertinoro, on the other hand, left out the introductory portions and the other excursions of the *Sirāj* and conformed to the

great pattern of all Jewish commentators, to Rashi, by giving his explanations in small parts closely attached to the text of the Mishna.

There is also another relation between the Code and the Commentary, viz. that of causality. The idea of a complete code developed in the mind of Maimonides during and through his labors on the commentary. In the latter itself Maimonides shows a turn of mind to concentrate his investigations on solving problems and establishing results. For him the Mishna is not only an ancient text, which needs to be explained, but a comprehensive system of the Jewish law, which must be systematised and supplemented in a scientific manner so as to maintain its practical character for his time also. In this way are to be understood his fundamental introductions, excursions and decisions. He never left unsettled open controversies, and he took opportunity to settle questions of merely academic character, if according to some point of view there could be attached to it actual significance also. Compare for instance Sanh. I, 3. There Maim. endeavours to show a possibility for the legal Semikah to come once more into practice. Besides, the whole disposition of this work makes it evident, that Maim. did not content himself with the part of a commentator, he became a decisor.

We may therefore assume that Maimonides' codifying activity really began with his commentary. And if we desire to trace critically the intricate system of the voluminous and admirable *Mishneh Torah*, we first must pay attention to his work. This way of searching will be of two fold utility. First it affords us an opportunity for surveying closely and discriminately the development of Maimonides' codifying method, as the substratum is of narrower limits and the author is less sparing in explanatory remarks. Secondly the comparison of the decisions given in the *Sirāj* with those in the *Mishneh Torah* is very instructive for the attitude of Maim. to the halakhic sources. We learn for instance from this comparison, that the Yerushalmi was in the *Sirāj* only a subsidiary work for interpretative purposes, but as to the decisions it had no influence at all. Even in Seder Zera'im no decision is to be found,

which could not be explained without Yerushalmi. Some decisions are plainly fixed in contradiction to the Yerushalmi but silently altered in the M. T. in conformity with the Yerushalmi. Cp. *Sirāj* Kilayim v, 2. where the decision is given in conformity with the general rule to decide in favor of the majority. But M. T. Kil. vii, 2. is opposed to it being in accordance with the opinion of R. Simon, which deviation can only be explained by the Yerushalmi. Ibid. vii, 4-5, against R. Yose, R. Simon and R. 'Akiba but M. T. Kil. v, 8. is in accordance with them in conformity with the Yer.—Maas. v, 5., is in conformity with the anonymous Mishna, against R. Simon b. Gamliel. The decision of M. T. Terum. i, 15. is in conformity with the latter according to Yer. Ḥalla ii, 8. is in conformity with Ḥakamim against R. Eliezer, but M. T. Bikkur. vii, 12. decides in conformity with R. Eliezer, which can only be explained by Yer.—Ibid. iv, 9., the decision according to Ḥakamim against R. Akiba, is changed in M. T. Terum. xii, 7., as influenced by Yer.—Finally *Sirāj* 'Orla i, 6., decides in accordance with the anonymous Mishna, against R. Yose, but M. T. changes the decision in conformity with the latter, as Yer. requires it.—Cp. *Keseeph Mishneh* on the quoted topics, and my analysis "Maimonides als Dezisor" in *Moses ben Maimon, sein Leben, sein Einfluss und seine Werke*, vol. ii, 316 ff. Leipzig 1914. See also Frankel *Hodegetica in Mischnam*, 321.

There are other differences also, but I will not be anticipating. There shall follow all the decisions of Maimonides given in his *Sirāj* systematically arranged in alphabetical order according to the authors (Tannaim) with a brief reference to the principles on which the decisions are based.

Abba Eleazar b. Dulai.—Mikv. ii, 10. Cp. *Judah*.

Abba Saul. In 6 cases M. decides according to his opinion: Pea viii, 5. Nedar. vi, 5. Git. v, 4. B. M. vi, 7. Makk. ii, 2. and Menah. xi, 5. In 4 of them there is no controversy against A. S.—In Git. v. 4. the anonymous Mishna is against him, but Babli ibid. 52b, quotes a decision (Ḥanan b. Ami in the name

of Samuel) in favor of A. S.—In *Menah.* xi, 5., he is also in controversy with the anonymous Mishna, but *Keseph M.* to *Temid.-Umuss.* v, 2. points to *Menah.* 62a, where Judah the Patriarch agrees with A. S. Isaac Nappaḥa, *ibid.* 26b, refers also to his opinion. There must be also added that in the argumentation he has the last word.—In all other cases, which he is in controversy with the anonymous Mishna or Ḥakamim, the decision is taken against him: *Kil.* iii, 2. *Shekal.* iv, 2. *B. M.* iv, 12.

Admon.—M. decides according to the principle given by Isaac b. Eleazar in the name of Hizkiyah (Babli *Ket.* 109a), that all cases, where R. Gamliel approves the opinion of A., must be decided in conformity with him: *Ket.* xiii, 4–5. In other cases against him: *ibid.* xiii, 6, 7, 8.—*Ibid.* xiii, 3 is an exception according to Alfasi, *ibid.* § 394. and his motivation, *B. B.* ix, 1, 884, referring to Babli *B. B.*, 140a–b.

‘Aḳabyah b. Mahalalel.—In *Eduj.* v, 6. he is quoted in 4 cases to dispute with the Ḥakamim, and accordingly the decision must be taken against him. Cf. also *Bekor.* iii, 4. *Neg.* v, 3. and *Nid.* ii, 6.

‘Aḳiba.—He is the disputant with many authors, and it is advisable to arrange his Halakot in the order of his opponents. The principal rule is given in *‘Erub.* 46b עֲקִיבָא מַחְבְּרו *הלכה כרבי עקיבא מחברו* “The Halakah is to be settled according to R. ‘Aḳiba against his colleague”. That is to say, if ‘Aḳiba is opposed only by a single scholar, the decision must be taken according to ‘A. If, however, more than one scholar oppose him, his opinion must yield. In the first case there are two versions as to the meaning of the expression *מַחְבְּרו* whether it signifies “colleague” in its narrower sense excluding his teachers from this category, or if it is to be taken in an unlimited sense. We shall return later on to this subject. Here it may suffice to observe that almost all decisions with respect to ‘A. are based on that rule. The exceptions will be explained in detail. Now we begin with the special groups of the controversies.

1. Controversies between ‘A. and Ḥakamim.—The expres-

sion Ḥakamim signifying generally a majority of scholars, the decision must be taken according to them. M. is guided by this rule: Berak. vi, 8. Pea iii, 2. Kil. iii, 6. Ma'as. Shenii, 4. Ḥalla iv, 4-5, 9. 'Orla iii, 7. Sabb. viii, 5. ix, 1. xi, 1. Pesah. iii, 4. Yeb. iv, 12. x, 3. Ned. vii, 1. Sanh. ix, 6. 'Eduy. ii, 2. 8. Ab. Z. iii, 6. Zebah. viii, 11. xii, 4. Kerit. v, 2, 4. Me'ila vi, 6. Kelim xii, 5. xx, 4. xxii, 7, 9, 10. xxvii, 5. xxviii, 7. Ohol. ii, 6. v, 7. Neg. i, 6, 7, 8, 9, 10. Para x, 4, 5. Ṭoh. v, 1, 2. vii, 9. Nid. iii, 2. Yad. iii, 1.

The exception in B. B. iv, 3. is based on Babli, *ibid.* 65a. Huna himself yields finally to the decision given by Yirmiya b. Abba in the name of Samuel.—The divided decision according to A. and Chak. in Eduj. ii, 2. is based on Babli Zebah. 104a. There are two different decisions reconciled by Rashi. Cf. also Zebah xii, 4.

As to Ḥalla iv, 9. there M. changed his decision in M. T. Terum. xii, 7. according to the Yerush. Ḥalla iv, 4. as we have already remarked. And so it is with 'Orla iii, 7. compared with M. T. Maakh. Assur. xvi, 3. The deviation is based on Yerush. 'Orla, *ibid.* But there is some difficulty about M's first decision. Cf. Mishna 8.—As to B. B. iv, 3. cf. a similar exception 'Erub. 46a (Rabba b. b. Ḥana in the name of R. Yoḥanan).

2. Controversies between 'A. and the anonymous Mishna (סחם משנה). Since M. assumes the anonymous Mishna to be the general view of many scholars (excepting a few topics, where the Talmud expressly identifies the anon. Mishna with the view of a single scholar), he decides in that category against 'A.: Berakh. v, 2. Pea i, 6. iv, 5. viii, 5. Kil. v, 7. vi, 1. 7. vii, 4, 5. Shebi'it ix., 6. Ḥalla ii, 3. iii, 6. 'Erub. v, 8, vi, 9. Beṣa iii, 3. Yebam. xvi, 7. Nazir vi, 1. B. K. viii, 6. B. B. iii, 1. Menaḥ. x, 4. Bekhor. viii, 6. Kelim xxv, 7. Ohol. ii, 2. Neg. v, 4. Para iii, 9. Makhshir. iv, 9. vi, 8. Zab. ii, 2.

3. In the same manner M. is deciding against 'A. in favor of the Bet Hillel, since the Hillelites were also a group of scholars: Ma'as. Shenii, 9. Sukka iii, 9. Git. ix, 10. B. M. iii, 12. 'Eduj. 1, 10. Kelim xx, 6. Ohol. v, 1, 2. 'Uḡṣ. iii, 8.

4. Two controversies are between 'A. and R. Ḥanina segan ha Kohanim in Zebah. ix, 3. and Neg. i, 4. In the first place Ḥ. seg. ha-K. is only citing a tradition about a certain practice and therefore it must be taken as normative according to Babli ibid. 85b. מעשה קמשמע לן. In the second case M. decides in favor of 'A.—There we have an instance that M. takes the expression מחברו in its larger sense. For Ḥanina belonged to a former generation.—It should be remarked further that there had slipped an error in most Hebrew editions of the Commentary הלכה כר"ע (ואין). Derenbourg in his edition of סדר והלכה כר"ע gives the exact version. Cf. also Heller a. l.

5. 'A. and Eleazar Ḥisma: Neg. vii, 2. The decision is in favor of 'A.

6. 'A. and Eleazar of Bartota: Ṭebul Yom iii, 4–5. Here also the decision in favor of 'A. is in accordance with the general rule.

7. In almost all controversies between 'A. and Eliezer b. Hyrcanos M. decides in favor of 'A.: Pea iii, 6, vii, 7. (Cp. M. T. Matn. 'Aniy. iv, 21). Terum. iv, 5, 8, 9, vi, 6. Ma'as. iv, 6. (Cf. Berak. 36a) Ḥalla ii, 1. Sabb. ii, 3, xix, 1. (Cf. Babli ibid. 133a and Pes. 69b). Pesah. vi, 2, ix, 2. Sheḡ. iii, 1, vii, 7. Yoma vii, 3. Yeb. viii, 4, xii, 2. Ned. x, 6. Soṭa ix, 3, 4. Sanh. i, 4. Bek. ix, 5. Kerit. iii, 10. Me'ila i, 2. (Cf. Berak. 8b).

The exception in Nid. x, 3. is based on Babli ibid. 68b.

8. 'A. and Eleazar b. 'Azarja. Decisions according to 'A.: Shebi'it i, 8. Kerit. iii, 8. Kelim iii, 8. Neg. vii, 2.—An exception is made in 'Erub iv, 1. where not only E. b. 'A. but R. Gamliel also is the opponent of 'A. Cf. Babli ibid. 43a. and Alfasi ibid. § 613.

9. 'A. and Eliezer b. Yose ha-Gelili. Only in Soṭa v, 3. M. decides according to the latter. Heller a. l. deduces it from the fact, that some anonymous Mishnas are in accordance with E. b. Y. ('Erub. iii, 5, v, 5. Ketub. ii, 10.)

10. 'A. and R. Gamliel. In two cases the decision is taken according to 'A. (Berak. iv, 3. Neg. vi, 5.). In 'Erub. iv, 1. G. is mentioned together with Eleazar b. 'Azarja against 'A. and therefore their opinion must prevail according to Babli, ibid. 43a. The deviation of M. from 'A. in R. H. i, 6. is based on

Babli Menah. 64a, where the precaution given by G. נמצאת מכשילן is taken to be of a determining character. לעתיד לבוא

11. 'A. and Judah b. Ilai: Kil. iii, 3. Soṭa viii, 4. Sanh. xi, 4. The decisions are according to 'A.

12. 'A. and Judah b. Baba. Only in 'Erub. ii, 5. The decision is according to 'A.

13. 'A. and Juda b. Batyra: Kelim ii, 4. There also the decision is according to 'A.

14. 'A. and Yoḥanan b. Nuri: R. H. iv, 5. Bekor. vi, 6. Temura i. 1. Kelim xvii, 17. xxx, 2. Ohol ii, 7. Neg. x, 1. xiv 10. 'Uḳṣin iii, 6. In all places the decision is according to 'A. In 'Uḳṣin iii, 5. M. decides exceptionally according to Y. b. N. because Babli, Nidda 51b, records this decision as the outcome of voting.

15. 'Akiba and Yose. According to Babli 46b, הלכה כר"ע מחבריו ומחברו וכו' יוסי מחבריו, the opinion of Yose should prevail, but there is no opportunity in the Mishna to prove it. In Terum. iii, 3. Yose is in accordance with Ḥakamim, and thus 'A. is opposed by a majority and must yield. Nearly the same case occurs in Kerit. v, 4., where Yose is in accordance with the anon. Mishna. Cf. also *ibid.* Mishna 7.

16. 'A. and Yose ha-Gelili: Ber. vii, 3. Shebi'it iv, 6. Pesah. vii, 1. Ketub. iii, 3. Soṭa viii, 4. Sanh. x, 6. Makk. ii, 7. Ḥul. viii, 4. Bekor. ii, 6. Para iii, 4. Decisions according to 'A.—The restriction in Makk. ii, 7. is based on Babli *ibid.* 12a. The exception in Hor. ii 5. is to be referred to the anon. Mishna, *ibid.* 7., and to Babli Sanh. 19a–b (Rab Joseph). Cf. also Heller a. 1. In the main the decision is taken according to A.

17. 'A. and Ishmael.—Decisions according to 'A.: Pea iv, 10. Kil. iii, 3. Thrum iv, 5. Sabb. xv, 3. Pesah x, 9. Sheḳ. iv, 3. Shebout iii, 5. Bekor. iii, 1. Kerit. ii, 5. Kelim ii, 2. Ohol iii, 5. Neg. 1, 2. xii, 3. Para viii, 11. Zab i, 2.—In Berak. viii, 3. M.'s decision is decided according to Babli *ibid.* 50a.—In Sukka iii, 4. the opinion of Ishmael is in accordance with that of Tarfon and therefore must be decided according to them (מחברו ולא מחבריו). The decision in Shebout ii, 5. in favor of Ishmael is explained by *Keseph Mishneh*, Shegag. xi, 1–2, as a consequence of his agreement with Judah the Patriarch. In 'Eduy. ii, 6.

M. decides according to Ishmael with the remark 'ואע"פ שר"י שמעאל הלמיד ר"ע הלכה כר"י'. That decision is based on Babli Sabb. 19b. Yose b. Hanina.)

18. 'A. and Joshua. Ber. iv, 3. Pea iii, 6. Shebi'it i, 8. iii, 10. Therum. iv, 8-9. Sheḥ. iv, 7.—All decisions according to 'A.

19. 'A. and Meir: Bekor, ix, 5. The decision is according to 'A.

20. 'A. and Simon. According to 'A.: Sheḥ. iii, 1. Bekor. ix, 5. Neg. xiv, 10.—In B. K. vi, 4. M. decides according to Simon on basis of Babli *ibid.* 61b. (Judah and Naḥman in the name of Samuel).

21. 'A. and Simon b. 'Azzai: Sheḥ. iii, 1. B. B. ix, 10. Hor. i, 2. Bekor. ix, 5.—All decisions according to 'A.

22. 'A. and Simon b. Nannos.—According to 'A.: Bikkur. iii, 9. 'Erub. x, 5. Menah. iv, 3.—In Gitt. viii, 9. M. exceptionally decides according to S. b. N. which is explained by Is. Berlin in his *הוספות הרש"ם* from Babli *ibid.* 82a (according to the practical decision of Rab Ami.—Another controversy between 'A. and Simon of Teman is in Yebam. iv, 13. But there the Mishna itself gives the decision according to S. and thus Alfasi codifies it *ibid.* § 69., justifying it by the fact that some anon. Mishnas are in accordance with S.

23. 'A. and Tarfon. According to 'A.: Pea iii, 6. Terum. ix, 2. Ma'as. iii, 9. Pesah. x, 6. Yeb. xv, 7. Nazir vi, 6. Menah. xii, 5. Bekor. ii, 6, 7, 8, 9. Ohol xiii, 3. Makhshir. v, 4.—Exceptional decisions: B. M. ii, 7. according to Babli *ibid.* 29b (Rab Judah in the name of Samuel decides there in favor of T. and likewise in Yeb. xv. 6. according to Babli *ibid.* 118a.—In Sukka iii, 4. 'A. has two opponents, T. and Ishmael, and therefore he must yield.

24. It is self-evident, that when the opinion of 'A. appears without controversy, there is no doubt about the decisions, as in following Mishnas: Shebi'it vi, 2. Pesah. ix, 6. Ned. i, 1. ix, 6. Makk. i, 7. 'Eduy. viii, 1. 'Abod. Z. ii, 3. Men. xi, 3. Kelim xiv, 1. xvii, 5, 13. Ohol. xvi, 1.—Soṭa v, 2. is an exception. Cf. Heller l. c.

25. On three Mishnas M. omits the decision: B. B. iv, 9. vi, 4. Shebuoth iii, 1. The omission however, may be a neglect of the copyist, as I have already shown on many other places controlled by the original, for there are no objective difficulties as to the fixation of the Halakha. Cf. M. T. Mekira xxvi, 4. the decision in favor of 'A. based on B. B. 64b-65a. Ibid. xxi, 5. cf. *Mag. Mish.* M. T. Shebuoth iv, 1. the decision is in favor of Ḥakamim.—Ketub. ix, 2, 3 cannot be taken as undecided since as M. himself remarks, the underlaid principle *הוב* *שהמטלטלים לא משתעבדי לבעל הוב* has been changed.

26. On three places the anonymous Mishna has been identified with 'A. as a single author whom other scholars are opposing, and therefore M. is deciding against him: Soṭa ii, 5. and Giṭṭ. viii, 6. on the same reason.—The opinion of 'A. in Sota iii, 4. is against the anon. Mishna ibid. 2. Cf. in M. T. Soṭa iii, 16. the changed decision.

27. In Ma'as. iii, 5. the decision is based on Babli Nidda 47b according to the principle given there by Juda the Patriarch *כדברי כולן להחמיר*.

After having quoted all the Mishnic Halakot of 'A., we return once more to the main decisioric principle *הלכה כר"ע מחברו*. In Kethub. 84b the sense of *מחברו* is unsettled. But, as we have already seen, it is taken by M. in its larger sense.

Bet Shammai and Bet Hillel.—The principle to decide in favor of Bet Hillel is so generally known, that M. does not find it necessary to fix in every controversy the decision. Only in a few cases does he so for some special reasons.—'Erub i, 2. 'Eduy. i, 7. Ḥul. viii, 1. Ohol. xi, 1. Zabim i, 1. In 'Eduy. i, 7. Shammai himself is opposed to Bet Hillel. In the other passages the tradition is uncertain 'Erub. i, 2. Meir in the name of Ishmael and 'Akiba are in dispute about the text of the tradition.—Ḥul. viii, 1. explained by Yose, and the anon. Mishna identified with B. H.—Ohol. xi, 1. two versions about B. H. related anonymously and by Yose.—Zabim i, 1., the anon. Mishna and Eliezer b. Judah.—Jeb. iii, 1. deserves to be remembered particularly for the critical remark of M. concerning the various traditions about the controversy of B. Sh. and B.

H. (Cf. my *Zur Einleitung in die Halacha*, 44ff.).—Demai vi, 6. offers the extraordinary case of a Hillelitic Halakah that has not been accepted by the pious members of B. H. M. decides in favor of B. H. with reference to a later Mishna. Cf. Babli 'Abod. Z., 55b–56a.

2. In all cases where the B. H. are in dispute with other authors save B. Sh. M. decides also in favor of B. H. The controversies of 'Akiba and B. H. were already mentioned above. B. H. and R. Gamliel: Beša i, 8. Kelim xxviii, 4.—B. H. and Judah: Nazir iii, 6.—B. H. and Yose: Ṭohor. ix, 7.—B. H. and Simon: Beša i, 9.—B. H. and Tarfon: Ma'as. Sh. ii, 9. 'Eduy. i, 10, 11.—In Ṭohor. ix, 11. M. exceptionally is deciding against B. H. in favor of R. Gamliel, for the Ḥakamim are in accordance with him.

3. In some Mishnas M. is deciding against B. H. in favor of B. Sh.: Berak. viii, 4. (due Babli *ibid.* 52b, where the decision is quoted in the name of Huna).—Sukka ii, 7. according to the decision of Samuel b. Isaac. Babli *ibid.* 3a.—Mikv. iv, 1 is considered by M. to be one of the 'eighteen things', which have been decided by voting in favor of B. Sh.

4. In some cases M. particularly decides against B. Sh.: Berak. vi, 5. in favor of the anonymous Mishna.—Demai iii, 1. in favor of Ḥakamim.

Ḥakamim.—Grammatically considered the expression means a plurality of scholars. M. takes it in the same sense for his decisions also. The controversies of Ḥ. and individual scholars are arranged under the names of the authors referred to. Here shall be indicated only the Mishnas, where Ḥ. are in controversy with the anonymous Mishna Sabb. xxi, 3. M. K. i, 4. Ketub. xi, 3. Kelim xx, 7. The decision is in favor of Ḥ. The exceptional decision in 'Erub vi, 9. in favor of the anon. Mishna is based on the principle *מחלוקת ואח"כ סתם הלכה כסתם*, for the following anon. Mishna is in accordance with the first.

Dosa b. Horkinas.—There is no reason to take Dosa and Dosa b. Horkinas as two different persons, I, therefore, do not make a difference between them. Besides Yohanan b. Zakkai only Ḥakamim and the anon. Mishna are his contro-

vertists. M. is deciding everywhere against him.—D. and Ḥakamim: Sabb. xx, 4. 'Erub. iii, 9. 'Eduy. iii, 1–6. Ḥul. xi, 2. Ohol. iii, 1.—D. and the anon. Mishna: Ḥul. i, 7. Ṭohor. viii, 8. These decisions are in accordance with the Principle *יחיד ורבים הלכה כרבים*. In Ketub. xiii, 1–2 the decisions of M. are based on Babli *ibid.* 109a.—Cf. Frankel, *Hodegetica*, p. 72. note 5, and Bacher, *Agada d. Tannaiten*, ii. 389–390.

Dositai.—In 'Erub. v, 4. M. decides in favor of him apparently against the anon. Mishna, which can be explained from Babli *ibid.* 58b. But according to M. T. Sab. xxviii, 15–16, there is no controversy at all. D. is only supplying the Halaka of the anon. Mishna.

Eleazar b. 'Azarya.—His controversies with 'Akiba have already been mentioned.—E. and the anon. Mishna: Berak. iv. 4. Sabb. v, 4. Nazir iv, 2. Miḳv. iii, 2. 'Uḳṣin i, 5. In all these cases the Halakah is in accordance with the anon. Mishna. Exceptional decisions in favor of E. against the anon. Mishna: Sabb. xix, 3. based on Babli *ibid.* 134b. Ketub. V, 1. according to Babli *ibid.* 55a and 56a *והלכה למעשה כראב"ע*—In Neg. viii, 9. the decision is against E. in favor of Ishmael, which may be due to the agreement of Ishmael with Ḥakamim in the principle *שאינן הנגע פושט לחוכה*, on which the Halakha is based.—*Ibid.* viii, 6. the decision against E. in favor of Eleazar b. Shamu'a is explained by Heller on basis of the reasoning of the latter being more evident than that of E.—In Miḳv. viii, 3. the decision against 'Akiba and Ishmael in favor of E. is explained by *Keseph Mishneh*, Abot Haṭ. v, 11 from Babli Sabb. 86a, where it is stated that E. is in accordance with the Rabbanan. *שש ענות שלמות* must be emended in *שלש ענות שלמות*. This version is also in *רשב"א*—In Ketub. iv. 6, there is no controvertist against E.

Eleazar b. Shamu'a.—1. His controversy with Eleazar b. 'Azarya has already been discussed. In his controversy with Eleazar b. Jacob M. decides in favor of the latter, guided by the principle *קב ונקי משנת ראב"י*, as Heller remarks. M. T. Kil. vii, 6. according to E. can be based upon the Yerush. Kil.

vi., 2. This explanation, I think, is more probable than the supposition of the *Keseph Mishneh*, l. c.—2. In the controversy with Judah (Gitṭ. iii, 2) the decision according to E. is based on Babli *ibid.* 26b. But M. T. Gerush. iii, 7. according to Judah is based on Yerush. Gitt. iii, 2.—3. In Miḳv. vi, 11. the decision in favor of Yose (cp. sub Yose).—4. E. and the anon. Mishna: Bekor i, 5. Para iv. 1 Ṭohor vi, 4. 'Uḳṣin i, 2. The decisions are, as usually, according to the anon. Mishna. Very remarkable is his decision in Kil. ix, 3, against the anon. Mishna.—The same decision is repeated in M. T. Kil. vi, 22. *Keseph Mishneh* derives it from Yerush. Kil. ix, 2. But, as we have already shown, M. never derives a decision from Yerush. in his Commentary. It is, therefore, more probably to assume, that there is another source for this decision. And in fact the Halakha is found in the Tosefta in a somewhat changed version (Kil. v, 17. ed. Zuckermann p. 80, 18), according to which the opinion given in the Mishna in the name of E. is there the opinion of Ḥakamim. And it is very probable, that M. gave preference to the latter version being more extensive and complete. An instance for a similar preference of the Tosefta against the Mishna is also Yeb. iii, 1. as I have already explained in my *Zur Einleitung in the Halacha*, p. 44 f. note 1.—5. Of course the unopposed opinions of E. as Yeb. viii, 6. Kethub. iii, 6. Them. ii, 3. are of a normative character, but Gitṭ. iii, 8., in consequence of Babli *ibid.* 31b אלעזר אמר ר' אלעזר הלוקין עליו חבריו על ר' אלעזר M. decides there against him.—With respect to Zebah xiii, 6. see Heller a. l.—6. In Kid. iv, 3. is according to Babli Yeb. 37a to be read Eleazar. There also M. decides according to E., influenced by Babli Yeb. 37a אביי סבר לה כשמואל דאמר הלכה כהלל... רבא סבר לה כרב דאמר הלכה כר' א. Cf. also Kid. 75a (Raba and Rab are the authorities in the decision).—7 In Yeb. xiii, 11. the decision according to E. is based on Babli *ibid.* 111b (Rab Judah in the name of Samuel).

Eleazar b. Simon—His single controversion with the anon. Mishna Themura iv. 4. is decided in favor of the anon. Mishna.

Eleazar b. Šadoḳ.—His controversies with the anon. Mishna:

Shebi'it ii, 4. Pesah. x, 3. Menah. ix, 2. Ṭohor. ii, 8. 'Uḳṣin i, 6. ii, 7. The decision is in accordance with the anon. Mishna, but in R. H. ii, 7. as Babli *ibid.* 24a the decision is according to E. (Judah in the name of Samuel).—M. likewise decides against him in favor of Ḥakamim: Ma'as. iv, 4. Kelim 24, 9. Miḳv. iv, 10.

In Kelim ii, 6. the decision in favor of Yose is based on the principle 'יֹסֵי מַחְבְּרֵי וְכֹר'... 'Erub. 46b.—In Peah ii, 4. there is only a divergence in respect of the tradition, and M. prefers that of anonymously given text for the tradition of R. Gamliel.—The decision in Pesah. iii, 6. in favor of E. against Meir and Ḥakamim is based on Babli *ibid.* 13a לא זו משם עד ששבועה היתה כר' אלעזר בן יהודה איש ברתותא. For the opinion of E. b. Judah is in agreement with that of E., as Alfasi states precisely, *ibid.* iii, § 751.—In 'Eduy. ii, 5. M. himself explains his decision against E.

In Me'ila iii, 7. the tradition of E. is not in contradiction with the anon. Mishna with regard to the principle מצות לאו ליהנות ניתנו and this principle is of deciding importance to M. (לפי שעיקר בדינו מצות לאו ליהנות ניתנו). With that remark is also settled the question of Heller.—In Nid. viii, 4. the opinion of E. is unique, but Babli *ibid.* 59a shows that there are other opinions also. The decision however, is according to E. and M. follows it.

Eleazar of Bartota. s. 'Aḳiba 6.

Eleazar b. Matja.—He gives only an exegetic proof of the anon. rule in Yeb. x, 1. There M. only remarks 'ומאמר ר' אלעזר אבתי. But this approval is also influenced by Babli (*ibid.* 94a in the disposition of Rab Judah in the name of Rab).

Eleazar Hisma.—No decision is taken in favor of him. In Terum. iii, 5. and B. M. vii, 5. the Ḥakamim are his controversialists, in Neg. viii, 3. the anon. Mishna, and *ibid.* vii, 2. 'Aḳiba.

Eliezer b. Hyrcanos.—Babli Sabb. 130b quotes the disapproval of the scholars concerning a practice which was according to the opinion of Eliezer (b. Hyrcanos). There two reasons are given against him: 1. his opinion is opposed by several scholars, and 2. he is a שמוטי. Rashi in B. M. 59b takes the expression

in the sense of "anathematised". But according to Yerush. שמו"י is like Shammaite, or follower of Shammaitic Halakas. There are quoted many Halakas in proof of the contention that E. is following the Shammaites: Yerush. Shebi'it ix, end.; Terum. v, 4; Beša. iv., end; Yebam. xiii, 6, end; Nazir vi. end. We have therefore a general rule of deciding against E. But with a few exceptions as will be explained. M. is following this deciding rule.—

1. E. and the anon. Mishna: Berak. v, 2. Demai vi, 3. Kil. ii, 10. Shebi'it ix, 9. Terum. ii, 1. Ma'as. iv, 3. Halla i, 3. 'Orla ii, 1. 'Erub. iii, 3. iv. 11. vi, 3. Pesah. iii, 1. ix, 4. Yoma v, 7. R. H. iv, 1. Meg. iv, 10. Yeb. vi, 3, 4. x, 1. xiii, 6. xvi 2. Ketub. ix, 4. Nedar. iv, 3. Nazir iii, 3, 4. Soṭa iv, 3. viii, 3. ix. 2. Giṭṭ. iv, 7. vi, 3, 4. Ḳid. iv, 13. B. Ḳ. i, 4. B. B. iv, 4. Mak. iii, 5. Shebuot v, 3. Hor. ii, 7. Zebaḥ. i, 1, 4. iii, 3. viii, 7. xiii, 4. 'Arakh. iii, 2. iv, 4. vi, 3. viii, 4. (In the last place the opinion of E. has apparently no opponent, and yet M. is deciding against him in favor of a תנא קמא. *Keseṣeph Mishneh*, 'Arakh. iv, 2. thinks that from the expression ר' אלעזר may be concluded that there must have been another opinion also. Tosefta 'Arakh. iv, 23–24, ed. Zuckermann p. 548, 27, quotes anonymously ואם החרים את כולן הרי הן מוחרמין. Cf. also Sifra xxvii, 28, where the opinion of E. is anonymously quoted). Temura iii, 3. Kelim viii, 1. x, 1. xi, 8. xiv, 1. xvii, 1. xxvii, 12. Ohol. vi, 1. ix, 14. Neg. vi, 7. xiv, 9. Para ii, 3. ix, 3, 7. xi, 7. Miḳv. viii, 1. ix, 3. Nid. i, 5. iv, 6 (אמרו לו) v, 9. (where he is deciding partly according to the Shammaites). Makhsh. iv, 5. vi, 7. Zab. ii, 2. v. 7. 'Uḳṣin ii, 3.

Exceptions: Halla ii, 4. in favor of E., as Babli Pesah. 48b quotes in the name of Samuel. There are other decisions also, but Rabbi the Patriarch agrees also with E. Alfasi *ibid.* iii, § 743 explains the decision דק"ל הלכה כרבי מחברו ועוד דהא דר"א שייכא בהך אחריתא דר"א דאמר אף הרודה ונותן פת לסל הסל מצרפן לחלה ופסק בעל הלכות משמיה דר' צמח § 548 To Sabb. xii, 1. cf. Alfasi § 548 בר פלמי ריש מתיבתא כר"א ור"ש cf. also *Halak. Gedol.*, ed. Hildesheimer, p. 113.—In Sheḳal. iv, 8 the reading of ר' אלעזר is corroborated by many editions and by the Ms. of Bacher. Cf. also Heller *ad loc.*, *Keseṣeph Mishneh*, 'Arakh, v. 8, 9. and

the reference to Sifra xxii, 18, 19, stating also 'ר' אלעזר as the correct reading. The Sifra seems to have been the source of Yerush. Sheḡel. iv, 4.—In Ta'an. iii, 9. the decision according to E. is influenced by Babli, *ibid.* 25b. There is conveyed a practice in the same sense. Cf. *M. Mishna*, Taan. i, 16. and Heller to the Mishna.—In Yeb. xii, 2. the decision is partitive. Babli *ibid.* 104a states the controvertist of E. to be isolated יחידא היא Cf. also *Mag. Mishna*, Yibb. iv, 16., and Heller to the Mishna.—Yeb. xiii, 11. is to be read 'ר' אלעזר. The decision is based on Babli *ibid.* 111b. Cf. Eleazar b. Shamu'a 7.—Ketub. v, 5 is in accordance with Babli *ibid.* 61b מלכו 'א. That decision is also against R. Simon b. Gamliel. Cf. s. v.—Gitt. viii, 8., is to be explained according to Alfasi *ibid.* § 552. ומדקא מפרשין דברי ר'א. ש"מ. —הלכתא כוותיה ומסתברא כדקא פריש רב אדא בר אהבה—In Gitt. ix, 4. the correct reading is אלעזר. The decision is based on Babli *ibid.* 86b.—To Kidd. i, 9, cf. Alfasi, § 617, as to the reading אלעזר and the decision in favor of E. with reference to 'Orla iii, 9 וקי"ל כר"א דסתם לן תנא כוותיה; to that Mishna M. is alluding also. The explanation of Heller by the principle of סתם ואחר is not conclusive, as here reference is made to two tractates.—In Nidd. i, 3. the decision is already given by Joshua according to E.—The decision against the anon. Mishna in 'Ab. Z. iii, 9. is based on Babli *ibid.* 49b.

2. Controversies between E. and Ḥakamim: Berak. vii, 5. Pea iv, 9. v, 4 (M. T. Matn. 'An. ix, 15). Dem. iv, 3. Kil. iii, 4. v, 9. Shebi'it viii, 9. x, 7. Terum. v, 2, 4–6. Ma'as. ii, 4. iv, 5. Halla ii, 8. (The change decision in M. T. Bikkurim vii, 12 in favor of E., is according to *Keseph Mishneh* derived from Yerush. Halla ii, end). 'Orla ii, 11–13. Sabb. vi, 4. x, 6. xiii, 1. xvii, 7. xx, 1. 'Erub. i, 6. ix, 2. Pesah v, 9. Sukka ii, 6. iv, 6–7. Ketub. v, 6. Nedar. ix, 12. x, 5. Nazir vi, 11. Gitt. ix, 1. Sanh. vi, 4. Zeb. viii, 4, 5, 8, 9, 11. Menah. vii, 3. Hul. xii, 2. Bekor. i. 6. v, 3. viii, 10. Temura iii, 1. vi, 5. Kerit. vi. 1, 3. Kelim v, 10. x, 5. xv, 2. xviii, 9. xxvi, 2, 4. xxvii, 5. Ohol. ii, 2. xvii, 5. Neg. vii, 4–5. Para i, 1. ii, 1. x, 1, 2–3. Tohor vii, 7. ix, 3. Mikv. ii, 4. Nid. iv, 6. (Here the Ḥakamim are not expressly named, but the words אמרו לו allow the inference

that there are many scholars of opposite opinion). 'Uḳṣin iii, 10.

3. The controversies of E. and R. Gamliel—Shebi'it ix, 5. The Mishna itself already decided in favor of R. Gamliel, but that circumstance is of no consequence as to the final decision. M. therefore refers to the agreement of R. G. with Juda the Patriarch, and hence to the principle *פסק הלכה כרבי מחברו*. That principle must be cited as R. G. is here also the controversialist of Joshua.—Other controversies with R. G.: Terum. viii, 8. Halla vi, 7.—In Ketub. vi, 9 E. agrees with R. G. against Joshua. M. therefore gives the decision according to the first.—The decision in Yeb. xiii, 7. against R. G. is based on Babli *ibid.* 110a. (Samuel and Eleazar).

4. The controversies of E. and Judah.—Nazir vii, 7. Zebaḥ. viii, 12. xi, 3. 'Arakh vii, 4.—According to Frankel, *Hodegetica*, p. 76, and note 8. In all these passages there must be amended *אליעזר* for *אלעזר*.

5. The controversies of E. and R. Jose. 'Erub. ii, 5. x, 10. Hul. ii, 7. Ohol. xi, 7.

6. The controversies between E. and R. Joshua.—Berak. i, 2, Terum. iv, 10–11. viii, 1–3, 'Orla i, 7. Sabb. xii, 4. xix, 4. 'Erub. vii, 10. Pesah vi, 5. Ta'an. i, 1. Soṭa i, 1. vi, 1. B. B. ix, 7. 'Eduy. vii, 2–3. There R. Joshua and R. Neḥunya are of the same opinion.—*Ibid.* vii, 1. 6. 7. R. Joshua and R. Ṣadok are in agreement—Zebaḥ. vii, 4. Menah. iii, 4. 'Arakh. vi, 1. Kerit. iv, 3. Kelim xiv, 7. xxviii, 2. Ohol. ix, 5. xii, 3. xiv. 4–5. xvii, 2. Para v, 4. ix, 4. Ṭohor. ii, 2. Miḳv. ii, 7. 8. 10.

Exceptions: Terum. iv, 7. There M. decides in favor of E. against R. Joshua and against R. Yose b. Meshullam on the basis of the fact, that the anonym. Mishna in some places is in accordance with the opinion of E.—In Sheḳal. iv, 7. R. 'Akiba decides in favor of E.—In Ketub. i, 6–9 E. is in accordance with R. Gamliel.—To Ṭohor. viii, 7. comp. Babli Nidda 7b and (in favor of E.). In the same way *ibid.* to Nidda iv. 4.—As to Zebaḥ. viii, 10., left by M. undecided, compare Bertinoro. His giving a distinct decision suggests the probability that originally M. also had done so, and it had been only omitted by translators and copyists.

7. The decision in Pesah iii, 3. in favor of E. against R. Judah b. Batyra and against R. Joshua is based on Babli *ibid.* 48a-b.

8. There is one controversy between E. and R. Ishmael: Shebuot ii, 5. The decision is made in favor of R. Ishmael, in accordance with the general rule.

9. As to the controversy of E. with R. Neḥunyah in 'Eduy. vi, 2-3 comp. § 7.

10. There are two controversies between E. and R. Simon. In B. K. vi, 4. M. decides in favor of R. Simon, and in Horay. i, 2. in favor of E., as R. 'Aqiba is in accordance with him.

11. The controversies between E. and R. Ṭarfōn: Terum. iv, 6-5. (There R. Aqiba is in accordance with R. Ṭarfōn). Kidd. iii, 13.

12. The controversies between E. and R. Ṣadoq are already dealt with in § 6.

In Yebam. iii, 1. M. is rejecting a version of a controversy between the Shammaites and the Hillelites, as given by E., preferring other traditions. See my *Zur Einleitung in die Halacha*, p. 44., note 1.

See also: R. 'Aqiba, R. Ḥanina b. Anṭigonos and R. Eliezer b. Ṣadoq.

R. Eliezer b. Jacob.—As to his statement Babli gives on many passages the general rule *משנת ר' אליעזר בן יעקב קב ונקי* (only) a *qab* (a little measure), the teaching of R. Eliezer b. Jacob is (only) a *qab* (a little measure), but it is clear, or excellent. Comp. 'Erub. 62b. *אל אביי לרב... רבי שמעון בן עזאי אומר מצאתי מגלת יוחסין* Yeb. 49b *יוסף קי"ל משנת ראב"י*; *איסי בן יהודה היה מונה* Gitṭ. 67a *בירושלם וכתוב בה... משנת... שבחן של חכמים... משנת ראב"י*. According to this rule Babli is generally deciding in favor of E. b. J. Comp. Sabb. 113a. 'Erub. 62b. Yeb. 37a end. Ibid. 60a. Gitṭ. 52b. Ned. 23b end. 24b 46b.—M. is not distending this rule. Generally he confines himself to decide in favor of E. b. J. only in passages of indistinct character, but in cases of an encounter with other deciding rules, he gives way to the last ones.—Of course the general rule of *יחיד ורבים הלכה כרבים* is prevalent here also. This must be particularly emphasized,

because Malakhi ha-Kohen in his *יד מלאכי* I, § 417., is endeavouring to show that the opinion of E. b. J. is preferred even to that of the Ḥakamim, and strange to say he adduces his proofs from M. also (not even directly from his writings but from the commentaries). We shall soon see that M. in 4 cases is deciding in favor of Ḥakamim against E. b. J. Only in one controversy he decides in favor of E. b. J. And even in this decision he is depending on Alfasi and the decision is based on Babli.

1. Controversies between E. b. J. and Ḥakamim.—Kilayim ii, 9. Terum. iii, 5. 'Erub. viii, 10. Neg. vii, 1. On these 4 passages M. is deciding in favor of Ḥakamim against E. b. J.—In M. K. i, 3. M. exceptionally decides in favor of E. b. J. influenced by Alfasi *ibid.* § 1155. The exceptional decision is based on the opinion of R. Judah in Babli *ibid.* 6b.

2. In the same way M. decides against E. b. J. in favor of the anon. Mishna Kilayim iv, 8. v, 3. (In M. T. Kilayim 20. The decision is changed in favor of E. b. J., influenced by Yerush. *ibid.* v, 3. Comp. *מראה הפנים* *ibid.* s. v. *מכין* and *צריך*) Menah. ix, 3. Kerit. ii, 1. Tamid v, 2. Midd. i, 9. Kelim vii, 3. xxviii, 9. Para ix, 2.

Exceptions: 'Erub. vi, 1 according to Babli *ibid.* 62b. There R. Judah in the name of Samuel is deciding in favor of E. b. J.—Nedar. iii, 1. according to Babli *ibid.* 24b. After a long discussion R. Huna and R. Ada b. Ahaba are deciding in favor of E. b. J.—In the same way *ibid.* v, 1–2 R. Huna and R. Eleazar (Babli *ibid.* 46b) are deciding in favor of E. b. J.—As to Makkot ii, 2. there Babli *ibid.* 8a is discussing only the opinion of E. b. J. and quotes an anonym. Baraita (Comp. Sifre Deut. xix, 5) that is in accordance with E. b. J.—Bekor. iii, 1. cannot be taken as a controversy. Comp. Babli *ibid.* 21b end.—In the same way are to be explained *ibid.* vii, 6. Neg. xi, 11. and Makhsh. vi, 3. Comp. Babli Bekor. 23b—Ṭohor. iii, 8. can partly be explained on basis of the Tosefta *ibid.* iii, 13., ed. Zuckerman, p. 663. There only the opinion of E. b. J. is quoted without any controversy.

3. The controversy between E. b. J. and R. Eliezer b. Hyr-

canos in Kil. vi, 2. has already been discussed.—As to the reading comp. Frankel, *Hodegetica*, p. 80.

4. The decision in Neg. x, 4. in favor of R. Judah against E. b. J. depends on the decision, *ibid.* 2. There R. Judah is opposed only by R. Simon, and therefore the decision is to be taken in favor of R. Judah.

5. In the controversy of E. b. J. with R. Simon in Shebi'it ii, 10. R. Simon is in accordance with the Scholars רבנן, Comp. Babli M. K. 6b. and the explanation of R. Simon of Sens to Shebi'it, and Rabbinowicz, רדקוקי סופרים, to M. K.—Yerush. Shebi'it ii, 7. also identifies the opinion of R. Simon with the רבנן and thus it is in accordance with the Babli.

R. Eliezer b. R. Yose *ha-Gelili*, comp. R. 'Akiba § 9.

R. Gamliel.—His controversies with R. 'Akiba, R. Eliezer b. Hyrcanos and Bet Hillel have already been mentioned.—In Beša iii, 6. he is approving in three things the aggravating opinion of Bet Shammai. According to the printed editions M. is deciding according to G. Heller also had the known version and refers to 'Eduy. iii, 10. where M. is deciding against G. But it is evident, that there had slipped in an error into the translations. In the MS. Bacher p. 89b, l. 4. from below, we have the correct reading ואין הלכה כרבן גמ'.
ואין הלכה כרבן גמ'.

1. Controversies between G. and the anon. Mishna.—Pea iv, 5. Demai iii, 1. Beša iii, 2. Kelim viii, 9. xvii, 2. (All in favor of the anon. Mishna).—Exceptions: R. H. iv, 9. based on Babli *ibid.* 34b end. 235a (According to one version, the Ḥakamim are here in accordance with G. but the discussion finally shows that the expression Ḥakamim is to be taken here in a different sense, for there R. Meir is meant.—Taan. i, 3. is based on Babli *ibid.* 10a א"ר אלעזר הלכה כרבי גמליאל. To Para ix, 3. comp. Tosefta Para ix, 6. p. 638 ר' יוסי ור' שמעון אומרים נראה דברי רבן גמליאל בנחש וכדבריו אנו מורים. In Shebi'it i, 5 and B. M. v, 10, G. has no opponent.

2. Controversies between G. and Ḥakamim.—Berak. vi, 8. Pea vi, 6. Pesah. iii, 4. Beša ii, 7. M. K. iii, 6. (partly in favor of G. and partly in favor of Ḥakamim according to Babli *ibid.* 24b.) According to Sheeltot of R. Aḥai שריה, the text referred

to in Babli is *א"ר גידל בר מנשיא אמר שמואל הלכה כרבנ'*. As to *עצרת* the decision is in favor of the Ḥakamim. This is in full accordance with M. Comp. also Naḥmanides (ענין שבתות וי"ט) *תורת האדם* and Alfasi M. K. § 1200. As to the decision of M. in his M. T. Abel x, 3–4, there is the complete accordance with his *Sirāj* quite evident. The words *שעה אחת קודם הרגל* and *ר"ה וי"כ* show distinctly that *רגל* and *ר"ה וי"כ* are unequal as to *אבלות*. As to the following words there is evidently an erroneous corruption. Comp. my explanation in the *Clavis Talm.* אבל 166 note. Thus the difficulty noted by Heller is also settled).—Yebam. v. 1. 'Eduy. iii, 9. Kelim xii, 3.6.

3. To his decision in favor of G. against R. Yose in *Halla* iv, 8. comp. Bekor. 27a and *Kesef Mishne* to Terum. vii, 8. See also *רדב"ז*

4. The decision in Zebah. ix 1. against G. is explained by *Kesef Mishneh*, Pesule ha-Mukd. iii, 3. on basis of Babli Zebah. 83a–b. where the opinions of R. Aqiba, R. Yose ha-Gelili and R. Simon are brought in agreement with that of R. Joshua.

Hillel.—In 'Eduy. i, 1 and Nidda i, 1 there, besides Shammai, the Ḥakamim are also the controversialists of H. M. therefore decides against him, and in likewise is also the decision against him in B. M. v, 9. where the anon. Mishna opposes H.

R. Judah.—He is one of the most quoted Tannaites. Some of his controversies have already been mentioned, particularly in connection with R. 'Aqiba. Comp. also R. Eliezer b. Jacob. According to R. Joshua b. Levi, in 'Erub 82a, all passages beginning with *אימתי* are to be taken as explanations and supplements to the anon. Mishna. The same opinion is quoted anonymously in Sanh. 25a. But in the most passages the opposition of J. to the anon. Mishna cannot be doubted. In all these cases M. is deciding against him: Berak. vi, 1. 3. vii, 2. ix, 2. (Comp. the note to it made by a later hand that refers to the changed decision in M. T. Berak. ix, 15.). Pea iv, 6. vii, 4. viii, 1. Demai i, 1. ii, 2. 3. iv, 7. vi, 5. Kilay. i, 2.7.9. iv, 3.7. ix, 10. Shebi'it iv, 2. (referring to a tradition concerning a controversy between Bet Shammai and Bet Hillel.) ix, 4. x, 1. Terum. ii, 2. (In M. T. Terum, v, 8. the decision according to

J. is based on Yerush. *Kesef Mishneh* has already explained.) Terum. ii, 4.5.6. iv, 3. ix, 6.7. x, 1.11. Ma'as. i, 2.7.8. ii, 2.3. iv, 2.v, 5.6. Ma'as. Sheni iii, 11. Halla iv, 9. 'Orla i, 2. Bikkur. i, 1. 6. 7. 11. Sabb. ii, 4. iii, 5. iv, 1. v, 2. vii, 4. viii, 2.4. ix, 5. 6. 7. x, 4. xix, 3. xx, 2.5. xxi, 1. xxiv, 2.4. 'Erub. i, 1.4. iii, 1.5. viii, 6.7. x, 5.12. Pesah. iv, 2. Shekal. vii, 4. Yoma i, 1. iv, 5. v, 5. vi, 1.8. Sukka i, 1. 2. ii, 1. 2. iii, 1. v, 8. Beša ii, 10. iii, 8. v, 4. R. H. iii, 5. Meg. ii, 4. iv, 6. M. K. i, 7. 9. ii, 5. Yeb. ii, 9. vi, 5. ix, 1. xv, 1. Ketub. iii, 2. iv, 2. vii, 2.4. Nedar. i, 3.4. vi, 3.6. Nazir iv, 5. Soṭa i, 3.4 ii, 2. vii, 6. viii, 3.7. Giṭṭ. ii, 1. iv, 7. vi, 2.6. Kidd. iv, 6. 14. B. K. iv, 7. vi, 6. viii, 3.6. B. M. iii, 7.8. iv, 9. v, 7. vi, 7. vii, 9. ix, 5. 6. x, 3. B. B. ii, 5. 9. 14. iii, 2. iv, 1. Sanh. i, 6. ii, 4. iii, 4. 5. vi, 2. vii, 3. viii, 4. ix, 3. xi, 1. Makk. i, 5. ii 6. iii, 10, 14. Shebuot vii, 1. 2. 3. 6. 'Ab. Zara i, 1.6. Zebaḥ. iv, 7. viii, 6. Menah. i, 4. iii, 2. viii, 4. ix, 2. xiii, 1. Hūl. ii, 1. iii, 4. vi, 5. vii, 1. 2. 3. 5. ix, 1. 2. x, 4. Bekor. viii, 6. Temura vii 6. Kerit. ii, 3. 4. Kelim i, 5. v, 1. 6. 11. vi, 1. vii, 1. viii, 9. ix, 7. 8. xii, 2. 8. xiv, 8. xv, 6. xvi, 1. 4. xvii, 7. xviii, 2. xx, 1.7. xxi, 2. 3. xxii, 1. Ohol. iii, 7. iv, 3. 4. vii, 1. xv, 8. Neg. ii, 4. 5. vi, 7. x, 10, xi, 4. 8. xiii, 3.11. xiv, 8.9. Para ii, 4.5. iii, 9. v, 4. viii, 9.10.11. ix, 5. xii, 1.2.5. Ṭohor. iv, 1. vi, 8. Miḳv. vi, 5. 9. vii, 6. ix, 7. x, 5. Nidda i, 7. iii, 1. iv, 11, x, 5. Makhsh. ii, 4. 5. 7. 8. iii, 1. 5. 6. 7. vi, 2. 3. Zabim ii, 2. iii, 1. Ṭebul Yom i, 2. 5. ii, 7. Yad. iii, 4. Uḳṣin ii, 1. 4. iii, 2.

Exceptions: Berak iv, 1. according to Babli *ibid.* 27a with reference to 'Eduy. vi, 1. הואיל ותנן בבחירתא. In Pea ii, 2. the opinion of J. is without controversy. In Demai vi, 2. M. justifies his decision in favor of J. with the words כמותו ה'ל' כמותו. See Babli B. M. 101a. Kilay. viii, 4. on basis of Babli Hūl. 79ab. Comp. also *Kesef Mishneh* to Kilay. ix, 6.—The decision in favor of J. in Shebi'ith iv, 5. is explained by Heller from Babli B. B. 80b.—Ma'as. ii, 8. is based on Babli Beša 35a. See *Kesef Mishneh* Ma'as. iv. 5. The general rule given there by R. Yoḥanan אין קבועין כולן אין קבועין שגומר מלאכתן is in accordance with the opinion of J.—To Ma'as. iii, 5. comp. Babli Nidda 47b. second version.—To Sabb. xxii, 1. comp. Babli *ibid.* 143b and Alfasi *ibid.* § 542.—'Erub. viii, 4. is explained by *Mag. Mish.* 'Erub. iv, 8. from

Babli *ibid.* 85b–86a. Comp. Alfasi *ibid.* § 658.—To 'Erub. x, 2. comp. *Mag. Mish.* Sabb. xii, 17.—*Ibid.* x, 11. on basis of Babli *ibid.* 102a. There R. Judah in the name of Samuel is deciding in favor of J.—In Beṣa i, 2. there is no controversy. Comp. Babli *ibid.* 15a.—To *ibid.* iv, 4. comp. Babli 32b.—Meg. iv, 10. (In Babli iii, is to be taken instead of iv, being the order of ch. iii, and iv inverted) is to be explained from Babli 31a. There the reading of the i, ch. of Ezek. is already mentioned as fixed norm.—To M. K. iii, 4. comp. Babli 18b.—The opinion of J. in Yeb. xii, 6. is in accordance with the practice imparted by R. Tarfon in Babli 106b end.—*Ibid.* xvi, 5. on basis of Babli 121b. Comp. also M. T. xiii, 9.—In Ketub. viii, 5. seemingly the same controversy is referred to two parallel instances, with the difference however, that in the first part of the Mishna R. Simon b. Gamliel is the controvertist of the anon. Mishna, but in the second part it is R. Judah. That circumstance may have influenced M. to decide in favor of J. according to the general rule Ketub. 77a. . . במשנתה הלכה כמותו. In M. T., however, he makes a difference between the two cases seemingly parallel, and consequently decides against J. in spite of agreeing with R. Simon b. Gamliel. Comp. also Heller to Mishna and *Kesef Mishneh* to M. T.—To Ketub. ix, 1. Asheri mentions a decision in his Code in favor of J. The decision is of Gaonic origin (Hai) and influenced by Babli *ibid.* 83b. where only the opinion of J. is discussed.—In Soṭa ix, 1. the anon. Mishna is according to the Baraita *ibid.* 44b and Sifre Deut. xxi, 2 § 206., only the individual opinion of R. Simon which cannot be maintained as against J. Pseud. Jonatan l. c. is also in agreement with J. יפקון מבי דינא חרין מן חכימך ותלת מן דיניך. Comp. also Sanh. i, 3. and *Kesef Mishneh*, Roḳeah ix, 1.—Gitt. ix, 3. is explained by Heller from Babli *ibid.* 85b. The opinion of J. is based on the principle ידים שאין ידים מוכיחות לא הויין ידים which is accepted as normative.—To Nazir i, 7—comp. Babli *ibid.* 8b. where the opinion of J. is a matter of discussion.—As to B. K. iii, 1. Babli *ibid.* 28b–29a identifies the anon. Mishna with R. Meir and J. with Ḥakamim. Comp. also Heller l. c.—In Sanh. vii, 4. the decision of M. is very strange and the text is probably corrupt, for in M. T.

Issure Bia M. decides according to the general rule against J.—In Ḥul. iii, 1. J. can be taken as an explanation to the anon. Mishna, and besides in Babli only the opinion of J. is discussed. See Heller l. c.—To Para v, 1. comp. Babli Ḥag. 22a. The exegesis of M. on Num. xix 4. is very remarkable, for it is missing in the known Tannaitic sources.

There is a special class of passages, where J. is explaining or supplementing the anon. Mishna. Mostly they are introduced by the words אימתי or במה דברים אמורים. In some passages the words are omitted.—Pea ii, 3. iii, 5. v. 5. Demai iii, 6. v, 6. vi, 1. 2. Kilay. iii, 1. Halla ii, 2. Sabb. xviii, 2. 'Erub. vii, 11. Nedar. vii, 3. Nazir iv, 3. Sanh. iii, 3. Ḥul. vi, 6. Kelim xv, 3. xix, 1. xxii, 7. Neg. xiv, 12. Miḵv. vi, 1. ix, 1. Nidda ix, 11. Ṭebul Yom ii, 3. Comp. also Heller Bikkurim iii, 6. and Ḥagis.—In Kelim xxviii, 7. the opinion of J. is opposed to the anonym. Mishna in spite of its being introduced by אימתי. Comp. יד מלאכי i, § 301.

2. Controversies between J. and Ḥakamim.—Berak, vi, 4. Pea vi, 10. Shebi'ith ix, 1. Terum. iii, 9. Ma'as. iii, 7. M. Sheni iii, 10. iv, 10. Bikk. iv, 12. 'Erub. i, 10. ii, 3. (אמרו לו) iii, 5. ix, 4. Pesah i, 3. ii, 1. iii, 8. v, 4. 8. Beṣa iii, 6. Ta'an. iv, 7. Meg. iii, 1. Ḥag. iii, 7. Yeb. i, 1. Ned. v. 5. xi, 10. B. Ḳ. vi, 4. ix, 12. B. B. v, 1. Sanh. ix, 1. Makk. iii, 4. Zebaḥ iii, 6. Nenaḥ. ii, 2. Bekor, vi, 10. vii, 1. Temura i, 5 (אמרו לו). Kelim iv, 1. viii, 8. x, 3. xiii, 1. xiv, 6. xxii, 8. xxvi, 9. xxvii, 11. Neg. ii, 1. xiii, 10. Para v, 6. Ṭohor. vii, 8. Nidda x, 2. Zabim iii, 2. Ṭebul Yom iii, 1. 'Uḳṣim iii, 8.—

Exceptions: In Shebi'ith vii, 4. the decision in favor of J. is based on the identity of the principle given here ובלבד שלא אימתי בזמן שאין להן אומנות אלא הוא אבל יש להן אומנות שלא הוא כשרין with that of Sanh. iii, 3. אמתי בזמן שאין להן אומנות אלא הוא, and as Babli there 26b decides in favor of J. the decision must be so in Shebi'it vii, 4. also. But in M. T. Maak. Assur. viii, 17. the decision is changed probably on basis of Yerush. Shebi'it vii, 4. where R. Jose b. R. Bun does away with the identity mentioned above תמן אין המלכות אונסת ברם הכא המלכות אונסת. We have there a very interesting instance for the development of M's decisoric activity. In his *Sirāj* he is confining himself strictly to Babli,

but in his M. T. the Yerush. also becomes a constituent element of his decisions. The exceptional decision in Ketub. vi, 6. is based on Babli *ibid.* 68a. There Samuel decides in favor of J.—In Giṭṭ. iv, 8. the Ḥakamim are identified with R. Meir. Comp. Babli *ibid.* 46b.—In Hor. i, 5. M. partly decides in favor of J., partly in favor of Ḥakamim. In the first case, however, J. is opposed by R. Meir and R. Simon.

3. In the controversies between J. and R. Yoḥanan b. Beroḳa M. in two passages decides against J. and in one in favor of J.—To 'Erub. viii, 2. comp. Babli 82b–83a. There the opinion of R. Yoḥanan b. Beroḳa is identified with that of Ḥakamim and particularly discussed. That Mishna is repeated in Kelim xvii, 11.—In 'Erub. x, 15. M. decides in favor of J. against R. Yoḥ. b. Beroḳa.

4. As to the controversies between J. and R. Yose, R. Yoḥanan quotes a general deciding rule in Erub. '46b יהודה כר' יוסי ור' and M. follows that rule: Berak. ii, 3. Shebi'it iii, 1. ix, 8. Terum. i, 3. x, 3. M. Shenī iv, 7. Sabb. viii, 7. xxii, 3. Pesah viii, 7. Yoma iv, 6. Beṣa iv, 2. Sukka iii, 7. M. K. ii, 1. 2. Yebam. iv, 10. Nazir vi, 2. Giṭṭ. vii, 4. B. B. x, 6. Zebaḥ. vii, 6. 'Arak. iv, 1. Kelim viii, 10. xvii, 10. xviii, 4. Ohol. x, 3. Para viii, 8. xi, 9. Ṭohor. i, 1. iv, 8. v, 5. 6. viii, 1. x, 1. Miḳv. v, 2.4.5. ix, 4. Nidda iv, 5. Makhsh. iii, 3.

Exceptions: B. B. x, 5. is based on Babli 168a. Comp. also Alfasi *ibid.* § 941. and M. T. Mekira xi, 5.—Nidda ix, 9. according to Raba *ibid.* 63b.

5. A similar deciding rule we have for decisions between J. and R. Meir. 'Erub. 46b. יהודה הלכה כר' יהודה מאיר ור' And M. is following it in the instances: Pea vii, 5. Demai v, 4. Ma'as. ii, 5. 'Erub. ii, 1. 2. iv, 4. 9. 10. vi, 4. Pesah. i, 4. Sukka i. 6. 7. iii, 6. Ta'an. i, 2. Yebam. xv, 5. Ned. ii, 4. viii, 5. Giṭṭ. i, 2. B. K. iii, 1. 9. iv, 9. ix, 4. B. M. ii, 5. iii, 11. Sanh. ii, 1. Makk. ii, 3. 8. Menah. vi, 5. xi, 5. Bekor. viii, 3. 4. ix, 8. 'Arak. i, 2. vii, 5. Me'ila vi, 5. Kelim iii, 2. vii, 2. xv, 1. xxv, 1–3. Ohol. xvi, 2. Neg. ii, 2. Para xi, 8. Ṭohor ix, 4. Miḳv. ii, 10. 'Uḳṣin i, 2.

Exceptions: Sukka iii, 8. decided by Raba *ibid.* 36b in favor of R. Meir.—Meg. ii, 3. according to the decision of Rab

ibid. 19a end.—Ketub. v. 1 according to Babli ibid. 57a (the decision of Samuel quoted by R. Naḥman).—Kidd. ii, 8. according to Babli ibid. 53a end. There the opinion of R. Meir is justified and largely discussed.—B. K. ii, 4. on basis of Babli ibid. 24a.—To 'Ab. Zara i, 5. comp. Hellen referring to 'הלכה כר' מאיר במרוחין. See Ketub. 57a.—As to Menaḥ. v, 1. there the text is probably corrupt, for in M. T. Temid. Umussaf. viii, 9. the decision is correctly taken in favor of J.—The same is to be said in reference to Bekor. iv, 3.—As to Kelim xvii, 10. comp. Menaḥ. 97a–b and Ḥagiz עץ חיים l. c.

6. As to the controversies between J. and R. Simon, there M. follows the rule given by R. Yoḥanan in 'Erub. 46b to decide in favor of J. In Beṣa 27a and Bekor. 121a the same rule is quoted without author. But as to the application of that rule we must remark, that the exceptional decisions are more than the regular ones.—Instances of decisions in favor of J.: Shebi'it ii, 5. Sanh. i, 3. Zebaḥ ix, 2. Menaḥ iv, 4. v, 9. x, 8. 'Arak. vii, 4. ix, 5. Kerit. iv, 3. Kelim iii, 2. Neg. x, 2. xiv, 11, Miḳv. ii, 10.

Exceptions: Pea i, 3. R. Sims. of Sens l. c., *R.D.B.Z. Mat.* 'An. ii, 12. and *Kesef Mishneh*, ibid. explain the opinion of R. Simon to be a supplement to the anon. Mishna, and thus J. is the opponent of it.—Demai v, 3. in connexion with the next Mishna show some difficulties. Comp. the excursion of *Mishneh la-Meleḥ* Maas. xiv, 5. and the emendation of Elijah Wilna in his שנוא אליהו on the Mishna.—Terum. xi, 10. shows also some difficulties. *Kesef Mishneh*, Terum. xi, 19. is trying to explain it on basis of Yerush., but there two different decisions are given. Heller quotes a commentary that is explaining the decision of M. from the agreement of R. Yose and R. Simon as to בית האבל, and the agreement of R. Simon and J. as to בית המשחה. In both cases M. is considered to be deciding according to the majority. The quoted commentary runs as follows: 'ובפירוש שהזכרתי כתב ח"ל: ונ"ל דהלכה כר"ש אף כי ר' יוסי פליג עליה. דהא ר' יוסי יחיד לגביה בבית המשחה דר' יהודה סבר כוותיה, אבל ר"מ במקום ר' יהודה ליכא' That is probably a quotation from M. himself, and the passage is simply missing in our editions. If, so, we have a striking proof of M's disregarding Yerush. decisions in his *Sirāj*, as

he had here a very welcome opportunity to mention the Yerush. In Erub. iii, 4. R. Simon is in accordance with R. Jose.—Sheḡal. ii, 4. gives only the reason for a former controversy between Bet Shammai and Bet Hillel. R. Simon is here corroborating the opinion of Bet Hillel.—Ibid. vii, 6. is connected with the following Mishna. As R. Yose is opposing only the last point, and we may infer his agreement with J. in the first part. M. therefore is deciding in favor of J. See *Lehem Mishneh*, Temid. Umuss. ii, 22. and Heller l. c.—Beṣa ii, 4. according to Alfasi ibid. § 897.—Likewise the decision in B. M. iv, 5. is to be referred to Alfasi ibid. § 378. There Alfasi distinctly derives his decision from Babli.—B. M. x, 6. is based on Babli ibid. 119a (Resh Lakish).—Bekor iv, 9. according to the practice of Raba ibid. 30.—Ibid. v, 2. is in connexion with שׂאִינוֹ מִתְכוּוֹן Comp. Sabb. 22a end the decision in favor of Simon.—In 'Arak. vii, 5. Bertinoro has the right reading יהודה כר' ולפיכך הלכה כר' instead of אין הלכה כר' and so we have no difficulty.—To Them. ii, 2. comp. ibid. 16a and Heller l. c.—In Kelim xviii, 4. R. Simon is agreeing with R. Yose.—The same is the case with Nidda iv, 5.

7. In the controversies between J. and R. Simon b. Gamliel M. is deciding according to the general rule Kethub. 77a כל מקום ששנה רשב"ג במשנתנו הלכה כמותו חוץ מערב וכו' Sabb. xiii, 5. Kethub. ii, 8.

8. In the single controversy between J. and R. Simon Shezuri there M. decides in favor of J., since the anon. Mishna adds a disapproving remark on the opinion of R. Simon Shezuri.

R. Judah b. Batyra.—For his controversies with R. 'Aqiba see above. In his controversies with the anon. Mishna M. decides according to the general rule: Bikkur. i. 6. Sabb. ix, 7. Shebuoth iii, 6.—As to Ketub. vi, 1. there Hai Gaon has decided in favor of J. b. B. See Alfasi ibid. § 293.—Yeb. iv, 9. is based on Babli ibid. 41a. There Samuel decides in favor of J. b. B.—In his controversy with R. Simon Ohol. xi, 7. the decision is taken in favor of him against R. Simon. Comp. Heller l. c..

The controversies between J. and Ḥakamim: Sabb. xii, 5. Nedar. vi, 8. 'Arak. viii, 6.—In all passages M. decides

against J. b. B. but in Giṭṭ. ii, 4. He decides partly in favor of him, partly in favor of Ḥakamim, since the latter are there identified with R. Eleazar. See Babli *ibid.* 22b.

Now we come to the passage containing only the name "Ben Batyra".—See Frankel, *Hodegetica in Mishnam*, p. 94-97—His controversies with the anon. Mishna: Sabb. xvi, 1.3. Pesah. iv, 3. Giṭṭ. v, 7. 'Ab. Zara i, 6. In Menaḥ i, 2. the decision is omitted, probably by the copyist or translator, for Bertinoro gives here a decision against b. B.—and it is taken in all likelihood from M., as the decisions in general do not belong to the genuine work of Bertinoro.—In Zebaḥ. i, 3. M. decides in favor of b. B. against R. Joshua. *Kesef Mishneh*, Pesule ha-muḳd. xv, 11 refers it to Zebaḥ 11b., where the opinion of b. B. is largely discussed.

R. Jehuda I., the Patriach.—In his controversies with the anon. Mishna and Ḥakamim the decision is taken against him.—

The controversies between J. and the anon. Mishna: Ma'as. v, 5. Nazir i, 4. iv, 5. B. M. iv, 4. Menaḥ xiii, 2. 'Arak. ix, 3.

The controversies between J. and Ḥakamim: Sabb. vi, 5. Ketub. ii, 4. 'Ab. Zara iv, 5. v, 11. Menaḥ vi, 3. 'Arak. ix, 8. Temura iv, 3. vi., 2. In Menaḥ viii, 6. the decision is omitted, probably by the transcriber or translator. In M. T. Issure Mizb. he decides according to the general rule in favor of Ḥakamim. *Comp. Kesef Mishneh*, l. c.

In Makk. i, 8. M. decides in favor of J. against R. Jose according to R. Naḥman *ibid.* 6a.—As to Nazir i. 7. see R. Judah—*Comp.* also sub R. 'Aḳiba R. Judah.

R. Yoḥanan b. Beroḳa.—In his controversies with the anon. Mishna M. is deciding according to the general rule in favor of the latter: Pesah. vii, 9. Sukka iv, 6. Yebam. vi, 1.—Exceptional is the decision in B. B. viii, 5. in favor of J. b. B. based on Babli *ibid.* 130a.—In Shebuot vii, 7. and Bekor. viii, 10. there J. b. B. is only completing the anon. Mishna. See also R. Judah.

R. Yoḥanan b. Nuri.—His controversies with the anon. Mishna: Yebam. xiv 1. B. M. iii, 7. Ḥul. ix, 2. Kelim ii, 7. (only ed. Derenbourg, contains the decision. In our editions it is

omitted) xi, 3. xvii, 14. Ohol. viii, 1. xii, 1. Para i, 8. Ṭohor. viii, 6. Miḳv. vii, 5. Ṭebul Yom ii, 5. 6.—Exceptional decisions in favor of J. b. B.: R. H. iv, 6. according to R. Huna in the name of Samuel *ibid.* 32a, and Nedar. xi, 4. also according to Samuel *ibid.* 85a end.

There is one controversy between J. b. N. and R. Joshua Ohol. xiv, 3. There M. decides according to the first. See *Kesef Mishneh*, Tumat. Met xvii, 1.—For the controversies between J. b. N. and 'Aqiba, see 'Aqiba.

R. Yoḥanan b. Zakkai.—In his controversy with R. Dosa b. Horkinas M. decides in favor of him Ketub. xiii, 1.2. based on Babli 107b.

R. Yoḥanan the Sandalar.—His controversies with the anon. Mishna: Yebam. xii, 5. and Kelim v, 5.—In Ketub. v, 4. M. decides in favor of him against R. Meir with a special justification.

R. Yose.—He is one of the most productive Tannaïtes. In his controversies with the anon. Mishna M. decides against him in following passages: Berak. ii, 3. Pea iii, 4. 7. vi, 9. Demai ii, 5. (comp. RAbD and *Kesef Mishneh* Ma'as. i, 4.). Demai iii, 3. 5. Kilay. ii, 7. iii, 7. v, 4. vi, 5. 7. viii, 5. 6. ix, 9. Shebi'ith x, 1. Terum. viii, 5. x, 11. Ma'as. i, 8. iii, 7. v, 8. M. Shenii iii, 11. (M. has here יְהוּדָה 'ר). iv, 11. Orla i, 1. 6. (M. T. Maak. Assur. decides in favor of J. RDbZ explains it by Yerush. There we have another example for the later influence of Yerush. 'Orla i, 7. Sabb. ii, 5. iii, 3. v, 2. xii, 3. xiv, 2. xvi, 2.4. 'Erub. i, 7. vii, 9. Sheḳ. iv, 1. Sukka i, 9. R. H. i, 5. iii, 2. Ta'an. ii, 9. M. K. i, 8. ii, 5. Yeb. x, 1. Nedar. iv, 8. vi, 10. xi, 1. Nazir iv, 7. Soṭa iv, 5. Giṭṭ. v, 8. vii, 9. B. M. iii, 4.5. viii, 8. Sanh. v, 1. viii, 2. ix, 4. Makk. i, 9. 'Ab. Zara ii, 7. Menah. vi, 5. Hul. ix, 2. Bekor. iv, 1. v, 5. 'Arak. i, 3. viii, 1. Temura i, 3. Kerit. i, 4. Kelim i, 9. xii, 1. xiii, 1. xvii, 5. xviii, 1.3. xxii, 2. xxiii, 3.4. xxvi, 4.6. xxvii, 9. 10. xxix 2.4. xxx, 3. Ohol. ii, 7. iii, 6. iv, 1.2. viii, 5. xii, 8. xiv, 2. xvii, 1. xviii, 1. Neg. vi, 5. Para iii, 2. v, 1.6. vii, 1.1. xi, 3. Ṭohor, 2. vii, 1. viii, 2. 8. x, 8. Miḳv. ii, 2. vii, 2. ix, 2. x, 6. Nidda i, 5. iv, 2. vii, 1. x, 5. Makhsh. i, 4. v, 6. 11. vi,

7. Zabim i, 5. ii, 3. iv, 7. Ṭebul Yom i, 3. 4. iii, 2. 3, iv, 7. Yad. i, 1. 4. 5. ii, 4. 'Uḳṣin i, 4. 5. 6. iii, 2.

Exceptions: Pea vii, 8. must not be taken as controversy in spite of the decisoric remark of M. There are many other passages, where M. is adding the decisoric note without there being any controversy. Comp. sub. R. Judah § 1. see also Heller l. c.—In Demai vii, 3. J. is in accordance with the anon. Mishna, and therefore M. decides in favor of him against R. Simon b. Gamliel.—Shebi'ith ii, 6. is based on Babli Yebam. 83a (Rab decides in favor of J.)—To Ma'as ii, 5. comp. Nidda 47b הלכה כדברי כולן להחמיר—In Sabb. xvii, 8. the decision is in favor of J. as he is in accordance with the anon. Mishna. See Babli ibid. 126b.—Pesah. x, 8. is based on Babli ibid. 120b where only the opinion of J. is discussed.—Sheḳ. vii, 7. is only the continuation of the former Mishna, and thus J. is not opposed to the anon. Mishna but to R. Simon, and thus the decision must be in favor of J. Comp. *Kesef Mishneh* Kele ha-Mizb. vii, 9.—I Sukka iii, 14. the opinion of J. is undisputed. See also Babli 42a.—As to R. H. iv, 6. the opinion of J. is discussed ibid. 32b and corroborated by the practice of the. ווחיקין Comp. מלאכה שלמה also l. c. citing a decision of Hai Gaon in the same sense.—In Yebam. x, 4. M. partly decides in favor of J. and partly in favor of the anon. Mishna on basis of the decision of R. Judah in the name of Samuel, ibid. 95b–96a.—In Ketub. i, 10 the opinion of J. is undisputed.—as to Ketub. vii, 3. there only the opinion of J. is discussed in Babli ibid. 71b. end.—Ibid. x, 2. the decision is omitted, probably by the copyist for Bertinoro contains it in favor of the anon. Mishna.—To B. B. i, 3. R. Judah in the name of Samuel ibid. 4b gives the dec. in favor of J.—To ibid. ii, 10 comp. Alfasi ibid. § 673. There the decision is given in favor of J. on the basis of the discussion in Babli 25b.—'Ab. Zara iii, 3, 8 is based on the principle זה חה גורם Babli 49a end decides in favor of J.—As to Bekor. ii, 6–8 there Joseph Caro gives two different deductions. See *Bet Josef, Yore Deah*, § 318 where it is shown that Mishna 8 proves the same controversy to be between J. and R. Meir. And in *Kesef Mishneh*, Bikkur. ix, 3 he explains it from B. M. 12a. There the principle of J. עשו שאינו זוכה

כזוכה is taken as normative. The latter seems to be the very reason of M., for he says עשאוהו כמי שזכרו בו הכהן ונתנו במומו לבעליו. Comp. also Heller to Mishna.—In Kelim xxii, 2. the Hebrew text omitted erroneously the decision. In ed. Derenbourg we have ואין הלכה כר' יוסי—Mikv. viii, 4. is explained by *Kesef Mishneh*, Sheor Ab. Haṭ v, 5 from Hul. 24b, where the opinion of J. is discussed.—Makhsh. i, 4 is corrupt. Heller refers to the correct decision in M. T. Ṭum. Ohol. xiv, 14. But ed. Derenbourg has the correct decision ואין הלכה כר' יוסי, and thus all difficulties are removed.

2. The controversies between J. and Ḥakamim: Pea iii, 4. Kilay. ii, 1. 'Erub. i, 6. 10. Pesah iv, 6. Yeb. vii, 3. Nedar. xi, 12. B. M. v, 7. Menah. ii, 1. Kerit. vi, 1. Kelim viii, 8. Para x, 3. Ṭohor. iv, 5. v, 2. Comp. also Sabb. vi, 10. According to M. there must be J. instead of R. Meir. But it cannot be clearly stated, whether "Ḥakamim" is maintained. Some editions have R. Meir instead of Ḥakamim. Comp. Rabbinowicz, *Variae Lectiones*, a. 1.—M. defends his decision with the sentence of Abayi and Raba כל דבר שיש בו משום רפואה אין בו משום דרכי האמורי. Yerush. has a somewhat different expression, but M. closely follows Babli.

3. As to the controversies between J. and R. Meir, there is in force the deciding rule in 'Erub. 46b ר' מאיר ור' יוסי הלכה כר' יוסי. Comp. Shebi'ith iii, 9. Terum. vii, 5. 6. 7. x, 3. M. Sheni v, 14. Sabb. vi, 8. 10. (There Rabbinowicz has two different versions) R. Meir-Ḥakamim, b) J.-R. Meir. As M. decides in favor of J., the second version seems more probable. But M. is motivating his decision, and this would be quite unnecessary if the controvertist of J. would be R. Meir. It is therefore to be preferred a third version found in MS Bacher. There we have J.-Ḥakamim. The decision of M. is based on Abii ורבא דאמרי תרווייהו כל דבר שיש בו משום רפואה אין בו משום דרכי האמורי. This general rule was already mentioned above. See § 2. end). Sabb. viii, 7. 'Erub. iii, 4. viii, 5. Besah. i, 7. Shekal. viii, 1. 2. Yoma iv, 6. Ta'an. iv, 1. M. K. i, 5. Nedar. viii, 2. Giṭṭ. vi, 7. Ḳidd. iii, 9. Zebah. viii, 6. 'Arak. ii, 4. Temura v, 4. 5. Midd. ii, 2. Kelim viii, '10.

xviii, 4. xix, 3. xxviii, 6. Ohol. x, 3. xi, 7. Neg. xiii, 12. Para viii, 8. xi, 8. Nidda iv, 5. ix, 1. Makhsh. iii, 3.

Exceptions: Meg. ii, 3. according to the decision of Ḥama b. Gurya in the name of Rab. ibid. 19a.—Ketub. vi, 7. from Babli ibid. 69b and 70a following the decision of Naḥman.—Nazir ix, 1. is undecided, but M. T. Nazir ii, 18. decides in favor of R. Meir. Ḥagis derives it from Kethub. 57a א"ר נחמן אמ' שמואל—In B. K. iv, 4. the decision is omitted, perhaps by the copyist only. In M. T. Nizke Mam. vi, 6. M. decides against R. Meir.—In Shebuot vii, 4. M. is following Alfasi ibid. § 1176. Tur. Ḥ. M. § 92 quotes the decision of Hai Gaon in favor of R. Yose.—

4. There is one controversy between J. and R. Nehorai. As to M's decision in favor of the latter comp. *Kesef Mishneh*, Nazir. iii, 16.

5. As to his controversies with R. Simon there we have the general rule in 'Erub' 46b ר' יוסי ור' שמעון הלכה כר' יוסי. See: Yeb. viii, 6. Zebaḥ. xiii, 3. Kerit. v, 4. (see R. 'Aqiba).—ibid. 5–8. Kelim xxviii, 6. Ohol. vii, 2. Ṭohor. iv 8. x, 8. Nidda ix, 2.—In Kelim xviii, 4, Para xi, 8 and Nidda iv, 5. J. is in accordance with R. Simon.—As to Terum. xi, 10 see R. Judah.

6. His controversy with R. Simon b. Gamliel in Kelim xxvi, 1 is not evident. Comp. the note of S. Strashun to the Mishna and משנה אחרונה.

7. The controversy between J. and R. Simon b. Nanos in Sabb. xvi, 5 M. decides against J. following Alfasi ibid. § 453. on basis of Babli 120a–b.—As to Mikv. iii, 1. see R. Joshua.

R. Yose ha-Gelili.—As to his controversies with the anon. Mishna there the general rule is decisive (Sanh. 34b) הלכה כסתם משנה. See: Bikkur. i, 10. Giṭṭ. ii, 3. B. M. ii, 10. Zebaḥ xiii, 1. 2. Ḥul. iv, 3. Bekor. viii, 1.—The same is the case with his controversies with Ḥakamim: 'Ab. Zara. iii, 5. Zeb. viii, 12. Bekor. ii, 6. Para i, 2.

Yose b. Ḥoni.—In his controversy with the anon. Mishna Zebaḥ. i, 2. M. decides in favor of the latter in consequence of the general rule.

R. Yose b. R. Judah.—In his controversy with R. Yose,

the decision is in favor of the latter according to the general rule. In the same way M. decides against him in favor of the anon. Mishna: Nedar. viii, 6. B. M. vii, 3. Sanh. viii, 3. Makk. ii, 3. Bekor, ix, 7.—In Hül. i, 3. M. decides in favor of Ḥanina b. Antigonus according to Babli 19a.—In Giṭṭ. iv, 7. he only quotes the opinion of Ḥakamim, and in Temura ii, 43. his opinion is unopposed.

R. Yose b. ha-Meshullam.—In his controversy with the anon. Mishna Bekor, vi, 1. the decision is taken against him.—His dictum *ibid.* iii, 3. is without controversy, and besides Rab *ibid.* 23b–24a decides in favor of him.—As to Terum. iv, 7. see R. Eliezer b. Hyrcanos.

R. Joshua.—The most of his controversies have already been mentioned. See sub. R. 'Aqiba, R. Eliezer and R. Gamliel.—In his controversies with the anon. Mishna M. throughout decides against him: Shebi'ith ii, 3. v, 3. Yebam. xvi, 1. Bekor, ix, 4. Kelim xvii, 1. Neg. iv, 11. Para v, 3. Zabim iv, 1. (comp. Heller a. 1.).

In the same way M. decides against him in his controversies with Ḥakamim: Ta'an. iii, 6. 'Eduy. iii, 7. Neg. viii, 2. Para x, 1. 2. 3. 6. Ṭohor. vi, 2. viii, 9. Yad. iii, 1. 2.—Ḥalla ii, 5 may be considered as settled by the Mishna itself, J. having the last word. There M. decides in favor of him.

In all other controversies the decision is taken against him. As to Miḳv. iii, 1. see R. Yose.—As to his controversy with R. Simon b. Zoma, there Ḥakamim are in accordance with the latter: Nazir viii, 1.—As to Zebaḥ. i, 3. see R. Judah b. Batyra.

R. Joshua b. Korḥa.—M. decides in favor of him Sanh. vii, 5. His dictum there is unopposed.

R. Ishmael.—His controversies with the anon. Mishna: Kil. iii, 7. B. B. iii, 1. Menah. iii, 7. Ṭohor. i, 2.—Exceptional decisions in favor of him: Shebi'it i. 4. as his dictum there is unopposed.—To Ma'as. iii, 5. comp. Nidda 47b הלכה כדברי כולם להחמיר—Nazir iv, 3. is explained by *Kesef Mishneh* Nazir v, 14. as being in accordance with the anon. Mishna. According to Heller the dec. is found on Babli *ibid.* 42a, as there his opin-

ion only is discussed.—Comp. also R. 'Aqiba and R. Eliezer.

In his controversy with R. Ṭarfon Terum. iv, 5. there R. Ṭarfon is in accordance with R. 'Aqiba.—In B. B. x, 8. the decision in favor of him against R. Simon b. Nannos is based on Babli *ibid.* 176a end.

His controversies with Ḥakamim: Demai vi, 4. Kil. iii, 6. Ḥalla iv, 4. 'Ab. Zara i, 2. iv, 1. Menaḥ. x, 1. Bekor. vi, 12. Neg. xi, 5. Nidda iii, 7. 'Uḡṣin ii.

R. Ishmael the son of R. Yoḥanan b. Beroḡa.—In his controversy with Ḥakamim Sanh. xi, 1. as well as with his father B. K. x, 2. the decision is taken against him. See Heller and Lipschitz l. c.

R. Meir.—He is one of the most productive Tannaites, but his dicta are mostly disregarded, as according to Aḡa b. Ḥanina, 'Erub. 13b, his colleagues could not fathom the very meaning of his dicta. By his cleverness in discussion he could declare clean unclean or vice versa, and could make it plausible. *אומר על טמא טהור ומראה לו פנים וכו'.*

1. His controversies with the anon. Mishna: Pea vii, 2. viii, 5. Demai ii, 5. Killay. ii, 11. v, 1. vi, 5. vii, 2. viii, 3. 6. Shebi'it iii, 3. Terum. iv, 1. Ma'as. ii, 3. v. 8. 'Orla i, 5. Bikkur. i, 6. 11. Sabb. xv, 1. 'Erub. i, 7. v, 2. Pesah. ii, 8. Yoma iii, 6. Beṣa iv, 3. ii, 10. Ketub. viii, 7. Nedar. i, 4. Soṭa iv, 3. Giṭṭ. iv, 7. v, 1. Kidd. iii, 4. B. M. vii. 9. Shebuot v, 3. vi, 6. Menaḥ. ii, 4. 5. ix, 1. Ḥul. iv, 5. Bekor. ix, 2. 'Arak. ii, 1. ix, 5. Kelim v, 7. xvi, 1. xxv, 7. xxvii, 2. Ohol. vii, 5. xv. 9. Neg. ii, 5. Ṭohor. vi, 9. Nidda iv, 7. Makhsh. vi, 2. Yad. ii, 1.

Exceptions: Kilay. iv, 9. according to the rule Berak. 36a end *כל המיקל בארץ הלכה כמותו בחוצה לארץ*. That rule is also in value in reference to Kilayim also. See Sabb. 139 end and Alfasi *ibid.* § 511. It is quite unnecessary to infer it from Yerush. as *Kesef Mishneh*, Kil. vii, 4, would do.—In Nedar. iii, 9. the decision is omitted. See Joseph Caro, *Yore Deah* § 217.—As to Ned. ix, 4. there is supposed to be no controversy, as in Mishna 3 must be read *ואין חכמים* instead of *חכמים*. So it may inferred also from Babli *ibid.* 65a-b. See Heller and *Kesef Mishneh*, Shebuot vi, 5.—

2. His controversies with Ḥakamim: Pea ii, 1. v, 3. Demai i, 2. Kilay. ii, 9. Shebi'it ii, 9. vii, 2. Terum. iv, 2. vi, 3. vii, 2. Ma'as. iv, 4. M. Sheni ii, 8. Ḥalla i, 2. 'Orla iii, 1. 2. 6. Sabb. vi, 3.10. Pesah. iv, 6. Sheḳal. i, 7. Yoma iii, 7. M. K. i, 5. Yeb. xii, 4. (The anon. Mishna is the opinion of R. Meir.) Yeb. xvi, 4. Ketub. iii, 8. vii, 8.10. viii, 3. xii, 4. (there R. Meir is only recording the dictum of R. Simon b. Gamliel.) Nedar. ii, 5. iv, 4. vii, 2.4.5. viii, 7. xi, 7.10. Nazir. ii, 6. Soṭa iv, 3. Giṭṭ. i. 6. Ḳidd. i, 3. B. M. i, 6. B. B. ix, 6. Sanh. i. 1. iii, 1. 2. vii, 8. Makk. i, 2, 3. Shebuot iv 1. 13. v, 1. vi, 6. 'Ab. Zara ii, 2. 4. iii, 1. Zebaḥ x, 6. Menaḥ. x, 4. Ḥul. iii, 2. vi, 2. 3. vii, 1. Bekor. viii, 10. Kerit. i, 3. iii, 1. 3. אמרו לו. vi, 1. Kelim iii, 5. v, 1. xiii, 4. xix, 9. Ohol. vi, 3. viii, 2. xiii, 6. xviii, 2. Neg. i. 1. vi, 3. viii, 6. Para ii, 5. v. 6. vi, 2. xi, 4. 6. 7. Ṭohor v, 7.9. vii, 2.3.4. viii, 4. Miḳv. vi, 10. Nidda i, 4. iii, 2. vi, 1. vii, 3. ix, 5. Makhsh. ii, 10. Ṭebul. Yom. i, 5. iii, 1. 6.

3. His controversies with R. Simon: Demai v, 3. Terum. xi, 10. 'Erub. iii, 4. xi, 1. Yebam. xv, 5. B. K. iv, 1. B. M. iv, 5. x, 6. Zebaḥ. iv, 3. 'Arak. vii, 5. Kelim vii, 5. xvii, 4. xviii, 4. Pea xi, 8. Nidda iv, 5.

Exceptional decisions in favor of R. Meir against R. Simon: Zebaḥ x, 7. as M. is here reproducing a principle acknowledged by the anon. Mishna Shebi'ith viii, 1. M. Sheni iii, 1., Pesah. ix, 8 (See Babli *ibid.* 98b) and Zebaḥ viii, 3. אין מביאין קדשים לביית הפסול, being that rule in value in reference to Temura also (Shebi'ith viii, 1). Comp. also Heller.—Ḥul. ix, 7.8. *Kesef Mishneh* Shear Aboth haṭ. ii, 5. is trying to explain it by the fact, that Babli has no decisive opinion as to the controversy between M. and R. Simon, and for that reason any slight preponderance of one of the dicta is sufficient for the decision. Such a preponderance he thinks to find in the circumstance that Babli *ibid.* is discussing more the opinion of R. Meir than that of R. Simon. If so, than we have another proof of our assumption that M. disregarded Yerush. in his *Sirāj*. For there we have Teruma iii, 1 end) ר"מ ור' שמעון הלכה כר"ש—Kelim v, 3. is explained by *Kesef Mishneh*, Kelim xvii, 5. from Babli Sabb. 48b.—As to Neg. iv, 4. comp. *Kesef Mishneh* Ṭum. Zar. ii, 1 and our note to Ḥul. ix, 7.

4. In his two controversies with R. Simon b. Gamliel: Sanh. i, 2. and Bekor. v, 4. M. decides against him according to the general rule.

See also sub R. 'Aqiba and other Tannaites.

R. Matya b. Harash.—In his controversy with the anon. Mishna Yoma viii, 6. M. decides against him.

R. Matya b. Samuel.—He was one of the officers of the Temple Shekal. v, 1) and his dictum (Yoma iii, 1. Tamid iii, 2) may be considered as a report. M. decides in favor of him against the anon. Mishna. Comp. Büchler, *Die Priester und der Cultus*, p. 66. As to the reading see שנוי נוסחאות and מלאכת שלמה Yoma iii, 1., ed. Romm.

Naḥum the Mede.—His controversies with Ḥakamim: Sabb. ii, 1. Nazir v, 4. M. is deciding according to the general rule in favor of Ḥakamim.

R. Nehunja.—One controversy with R. 'Aqiba Nidda 47b and with Ḥak. Ṭebul Yom iii, 1. M. decides against him.—In the same way the dec. is taken against him in his controversies with the anon. Mishna: Terum. viii, 7. Sabb. xvii, 4. Nazir ix, 4. Sanh. i, 6. Zebaḥ. xiii, 6. (see Heller) Kelim xviii, 5. Neg. xi, 5. Makhsh. iii, 2. Zabim iv, 3.7.—In Nidda ix, 3. the dec. in favor of him is based on the decision of Rab. ibid. 60b.

R. Nehorrai. See R. Yose.

R. Simon.—Most of his controversies have already been mentioned.

1. His controversies with the anon. Mishna: Pea iii, 8. iv, 1. Demai iii, 4. Kilay. ii, 2.7. Shebi'it ii, 2. 3. iii, 2. iv, 5. 6. ix, 3. Terum. iv, 12. v. 8. x, 11. Ma'as. i, 4. iii, 8. M. Sheni iii, 2. 11. v, 6. 'Orla ii, 9. 10. 14–16. Bikkur. ii, 2. iii, 1. Sabb. x, 6. xiii, 6. 'Erub. iv, 11. vi, 5. x, 3. Pesah. viii, 3. ix, 8. (comp. R. Meir § 2). Yoma v, 7. vi, 6. 7. R. H. i, 7. M. K. iii, 8. Yebam. ii, 2. iii, 3. 9. vi, 3. 4. viii, 3. x, 1. 7. xii, 5. Ketub. iv, 1. ix, 8. xi, 2. Nazir ii, 4. 8. v, 6. vi, 9. 10. Soṭa iii, 2. Giṭṭ. i, 5. ii, 2. Ḳidd. ii, 2. B. Ḳ. vii, 2. 4. B. M. ii, 10. iv, 2. 9. B. B. ii, 2. 14. vi, 8. Sanh. ii, 4. vii, 1. ix, 3. Makk. ii, 3. iii, 6. Shebuot iii, 4.

v, 2-4, vi, 5. 'Ab. Zara iii, 7. iv, 10. Zebaḥ i, 4. ii, 1. iv, 4. 5. viii, 3. xii, 7. xiii, 7. Menah. iii, 4. iv, 2. 4. vi, 1. 4. 7. ix, 2. 7. xi, 2. xii, 3. xiii, 10. Hūl. ii, 3. 5. 9. iii, 1. Bekor. viii, 2. Temura i. 2. iii, 1. 3. 5. vii, 3. 4. Kerit. iv, 6. Kelim v, 7. ix, 4. 8. xiv, 2. xv, 2. xvii, 3. xxii, 6. xxiv, 17. xxvi, 8. xxvii, 12. xxx, 3. Ohol. ii, 2. iii, 2. ix, 14. xvi, 5. xviii, 5. Neg. iv, 6. x, 8. xi, 9. xiii, 11. xiv, 9. Para v, 1. ix, 2. xii, 1. Ṭohor. vi, 8. ix, 3. Miḳv. i, 3. ii, 5. 6. viii, 5. Nidda iii, 4. v, 1. vii, 2. Makhsh. iv, 10. v, 10. Zabim iii, 2. iv, 3. 4. 5. 7. v, 4. 4. 5. Ṭebul Yom iv, 7. Yad. iii, 3. 'Uḳṣin ii, 9. iii, 2. 3. 4.

Exceptional decisions: Kilay. iv, 9. See R. Meir § 1. In Shebi'it i, 8 there is no controversy as to the opinion of S. It is in accordance with the anon. Mishna Kil. ii, 4. comp. משנה ראשונה and תפארת ישראל—Shebi'ith ii, 1 is an ancient Mishna (משנה ראשונה) and has no practical significance.—Ibid. ii, 6. see R. Yose. 1.—Ibid. vii, 6 is explained by *Kesef Mishneh* from Nidda 8a. There the anon. Mishna is identified with R. Eliezer. Comp. also Tosaf. ibid. s. v. ואבך—Sabb. iii, 6. according to Babli ibid. 45b-46a. Comp. also Alfasi ibid. § 342. and Comm. on Nazir vi, 2.—Ibid. xiv, 4. according to Babli 111b. See also Alfasi ibid. There M. could make use of Babli only.—In 'Erub. x, 2. the expression ואמר לו is in 97b identified with R. Yoḥanan b. Nuri and thus S. in accordance with R. Judah as to the main part. See also Heller and מלאכת שלמה—Sheḳal. viii, 8. is to be explained from Mekilta xxiii, 19, being there the dictum of S. taken to be a general rule. In the same way Tosifta Sheḳ. iii, 24., ed. Zuckermann, p. 179. Yerush. has also a decision from Rab in the same sense. But we can assume Mekilta and Tosefta had without Yerush. the same weight as to the decision, and our theory is by no means impaired by the decision given by Yerush.—To Ketub. viii, 2 comp. Alfasi ibid. § 321 end based on Babli B. B. 150b.—In Ketub. x, 3. S. is according to Heller only completing the anon. Mishna. Comp. also Babli 91a. The dictum of S. is there supposed to be of general value. See also Alfasi § 353.—B. K. vi, 2. from Babli 59b. the dec. of Rab. See also Alfasi § 117 end.—B. M. v, 10 is not to be taken as a controversy. Comp. 75b.—To B. B. iv, 9. comp. 72a-b. S. is not giving here

his own opinion, but an interpretation of the anon. Mishna.—As to Sanh. ix, 2. Babli 79a–b is only discussing the opinion of S. Comp. also Heller.—In Makk. i, 7. S. is without controversy, and so it is in Makhsh. iii, 5.

2. The controversies between S. and Ḥakamim: Kilay. v, 2 (M. T. Kil. vii, 2 the dec. is changed on basis of Yerush. See *Kesef Mishneh*)—Shebi'it iii, 3. Terum iii, 5. Ma'as. ii, 4. M. Shenii i, 2. Makk. iii, 2. Zebaḥ xi, 7. xiv, 2. Ḥul. v, 3. Me'ila iii, 3. Kelim iii, 5. xxvii, 4. 11. xxviii, 7. Ohol. ii, 7. x, 2. Para vi, 2. Ṭohor. ix, 1. Makhsh. i, 6. v, 3.

Exceptional decisions: In 'Erub. iv, 6. M. decides in favor of S. according to Rami b. Hama in the name of Rab. ibid. 49b. The same is the case with 'Erub. x, 1. see 91a.—As to Ketub. viii, 4. Alfasi ibid. § 322 decides in favor of S. See also Nissim Gerondi l. c. In Tosefta ibid. viii, 2. ed. Zuckerm., p. 270 the dictum of S. is anonymously given. It may be inferred from it, that this dictum is of general value. *Kesef Mishneh*, Ishut xxi, 24 is here unsatisfactory, as can be seen in the Comm. itself **ר"ש חולק עם החכמים בפירות מחוברין בשעת יציאה** and thus an accordance of opinions can not be thought of. In Bekor. v, 2 the decision is according to Samuel ibid. 34a.

3. In his controversy with R. Ṭarfon Zebaḥ. x, 8. M. decides in favor of the last. Comp. *Kesef Mishneh*, Mass. Korb. xvi, 14. and **מלאכת שלמה** to the Mishna.

R. Simon b. Azzai.—He has one controversy with Ḥakamim Zebaḥ i, 3. and some with the anon. Mishna: Yoma iii, 3. Kinnim iii, 6.

Exceptional decisions in favor of him: Berak. ix, 4. according to Babli 60a.—In Yad. iii, 5. the Mishna itself is deciding in favor of him.

R. Simon b. Gamliel.—There is a general rule quoted by Rabba b. b. Ḥana in the name of R. Yoḥanan, Ketub. 77a. **כל מקום ששנה ר' שמעון בן גמליאל במשנתו הלכה כמותו חוץ מערב וצידון וראיה אמוראי יניהו ואליבא**. But the tradition is not without all doubt **אחרונה**. See Alfasi ibid. § 317. in reference to a controversy between S. b. G. and the anon. Mishna. M. is following his suit. In the controversies with the anon. Mishna M. mostly decides in

favor of the anon. Mishna: Berak. ii, 8. Pea v, 1. Demai vii, 3. Shebi'it iii, 4. iv, 10. Ma'as. v, 5. (M. T. Terum. i, 15. decides in favor of S. b. G. on basis of Yerush. See *Kesef Mishneh*). M. Sheni iii, 5. Sabb. xii, 1. xviii, 1. 'Erub. x, 1. Ketub. vii, 9. xi, 4. 5. Giṭṭ. iv, 6. vii, 5. 6. B. Ḳ. v, 4. B. M. iii, 6. v, 5. viii, 8. ix, 13. x, 5. B. B. i, 5. iv, 7, v, 10. vi, 1. 8. viii, 5. x, 1.4.7. Sanh. iii, 8. Menaḥ xi, 9. Bekor. ii, 4. Temura v, 2. Kelim xi, 1. xxviii, 3. Ohol. xviii, 9. Miḳv. vi, 7. ix, 5. Yad. iii, 2.

From this considerable number of passages decided against S. b. G. in favor of the anon. Mishna may be inferred that M. is following the tradition of Babli quoted above. For Yerush. B. B. x, 8. has no controversy as to the main rule. Comp. also Heller 'Erub. viii, 7.

Exceptional decisions in favor of S. b. G. against the anon. Mishna: Shebi'ith i, 7. There M. explains the opinion of S. b. G. in such restrictive sense as to be considered like a complement to the anon. Mishna. Comp. Heller.—M. Sheni v, 1. is based on B. Ḳ. 69a.—To Beṣa iii, 1. comp. the decision of Samuel ibid. 24a. There also the opinion of S. b. G. is considered to be complementary to the anon. Mishna הלכה מכלל א"ל אביי הלכה מכלל א"ל דפליגי, א"ל ומאי נפקא—In the same way Ketub. vi, 4 the dictum of S. b. G. is also considered to be without controversy. See Heller and Babli ibid. 67a.—Ketub. viii, 5. is explained by the most commentaries as consequence of the main rule כ"מ ששנה רשב"ג וכו'. See especially מלאכת שלמה. But there must be taken in consideration that Babli ibid. 79b is discussing the dictum of S. b. G. and partly brings him in accordance with the anon. Mishna. Ketub. ix, 1. based on Babli ibid. 84a.—ix, 9. is without controversy. See Babli ibid. 89b.—xiii, 10. comp. Babli ibid. 110b. There only the dictum of S. b. G. is discussed. Comp. also Alfasi ibid. § 401.—In Nazir vi, 8. we have no controversy.—In Giṭṭ. iv, 4. there are two controversies. The first is decided against S. b. G. from Babli ibid. 38a. and the second in favor of him with the motivation ואחר שהעיקר אצלנו דדיינין דיני דגרמי יהיה בזה המאמר האחרון הלכה כרשב"ג—Giṭṭ. vi, 1. is based on Babli 60b end, where a Baraita in accordance with S. b. G. is given.—Ibid. vi, 6 is without controversy. See Babli ibid. 66a and מלאכת שלמה a. 1.—In

the same way B. M. i, 8 is without controversy. Babli *ibid.* 20b.—As to B. M. viii, 6. comp. Babli 101b and Alfasi § 529. The dictum of S. b. G. may be considered as complement to the anon. Mishna. But in M. T. Sekirut vi, 7 M. omits the complement of S. b. G.—Sanh. iii, 8 contains two controversies, in the first M. decides in favor of S. b. G. in the latter—against him. Both the decisions are based on Babli *ibid.* 31a. The first is decided by R. Huna, the latter by R. Yoḥanan.—In Shebuot vii, 7 the dictum of S. b. G. is only complementary and normative according to Babli 48b.—The same is the case with 'Ab. Zara ii, 3. See Babli *ibid.* 32b אמר יהודה אמר א"ר יוסף א"ר יהודה אמר א"ל אביי הלכה מכלל דפליגי? א"ל מאי נפקא לך מניה? 'Ab. Zarah iii, 3. See Babli *ibid.* 43b end. where the dictum of S. b. G. is discussed and paralleled by other passages.—*Ibid.* v, 3. 4. according to Babli 69b... אמר רבא הלכה כרשב"ג הואיל ותנן.—*Ibid.* v, 10. according to the decision of Rab *ibid.* 74a end.—Hul. viii, 2 contains no controversy. See 107b.—To Menah. iii, 2 see *ibid.* 23b end.—Menah v, 4 according to the decision of R. Naḥman *ibid.* 35b.—In Kerit i, 7 is mentioned S. b. G. the first. Comp. *Kesef Mishneh* Meḥussere Kapp. i, 10.

In the controversies between S. b. G. and Ḥakamim M. also decides against him: Ketub. xii, 4. 'Ab. Zara iii, 1.

R. Simon b. Eleazar.—On three passages M. is deciding in favor of him: B. M. ii, 1. Whether the dictum of S. b. E. is only a supplement to the anon. Mishna or a controversy, see Babli *ibid.* 24a.—As to 'Ab. Zara iv, 11. Babli *ibid.* 61b, is discussing the opinion of S. b. E.—In Makhsh. vi, 7. the dictum of S. b. E. in unopposed.

R. Simon b. Judah.—In M. Sheni iii, 6 M. decides against him in favor of the anon. Mishna concerning a tradition of a controversy between Bet Shammai and Bet Hillel.

R. Simon b. Nannos.—In Shebuoth vii, 5. M. decides against him in favor of the anon. Mishna.—See also R. 'Aqiba and R. Yose.

R. Simon Shezuri.—In his controversies against the anon.

Mishna M. is deciding against him: *Ḥul.* iv, 5. *Kelim* xviii, 1. *Ṭohor.* iii, 2. *Yad.* i, 3.

Exceptional decisions in favor of him: *Demai* iv, 1. according to *Ḥul.* 75b end. There R. Jonatan is deciding in favor of him.—*Giṭṭ.* vi, also 5. *Ḥul.* 75b end.—*Yerush. Giṭṭ.* vi, 1. contains also the decision of R. Jonatan, but only for that case. The first case is omitted. Thus it is evident M. had based his decision on Babli.—*Ṭebul Yom* iv, 5. is only a repetition of *Giṭṭ.* vi, 5.

See also R. Juda.

R. Simon ha-Temani.—The most of his controversies have already been spoken of under R. 'Aqiba, R. Eliezer, R. Ishmael and R. Simon.—In his controversies with the anon. Mishna M. throughout is deciding against him: *Berak.* vi, 8. *B. M.* iv, 3. *Kelim* xxv, 7. *Miḳv.* x, 5.

R. Simon b. Zoma see R. Joshua.

Symmachos.—In *'Erub.* iii, 1. M. decides against him in favor of the anon. Mishna.—In *B. M.* vi, 5. his dictum is unopposed.

He has also two controversies with *Ḥakamim*: *'Eduy.* iii, 8. and *Kelim* xii, 5. In both cases M. decides against him.

Thus we have given here a full analysis of all the decisions of the *Sirāj*. There the decisoric system of M. is thoroughly based on Babli. I do not mean to say, that M. did not at all make use of the Yerushalmi in his commentary on the Mishna, but he did not yet consider it as a competent source for decisions. It is in the *Mishneh Tora* that he gives the Yerushalmi an importance nearly equal to the Babli, in particular in topics the analysis of which is more distinct and evident in Yerush. than in Babli.

I also took opportunity to hint at many differences between the commentary and the Code. I made use of various editions and MSS. as far as I could get them, and am hoping that this investigation will be welcome to all friends of Halakhic researches and especially to students of the Maimonides-Literature.

GENIZAH FRAGMENTS OF THE PALESTINIAN ORDER OF SERVICE

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THANKS TO THE GENIZAH the ritual of the Jews in the Holy Land during the Gaonic period, or in other words from the conquest of the country by the Arabs (about 640 C. E.) to the first Crusade (1099), is gradually being rescued from its well-nigh complete oblivion. A beginning was made by Schechter in 1898 when he published, among others, the Palestinian version of the 'Amidah.¹ Thereupon Lévi² and Elbogen³ augmented our knowledge by new fragments. But the material is by far not exhausted yet. While searching among the MSS. of the famous Taylor-Schechter (=T.—S.) Collection at Cambridge I have come across a goodly number of leaves which formed parts of the Palestinian Order of Service.

In attempting to reconstruct this ritual by means of the Genizah finds we are confronted with a complicated problem. This great literary treasure-trove, the Genizah, having had its depository in the *Palestine Synagogue* at Fustāṭ, it is only natural that considerable portions of prayer-books used by the worshippers at the services should have come to light in numerous copies. But it is a moot question, and one very difficult to solve, whether in that house of God *Minhag Ereṣ Yisrael* was adhered to in its purity without any admixture of a local Egyptian custom (*Minhag Miṣrayim*) such as can be detected in Sa'adya's Siddur.⁴ We are altogether in the dark

¹ *J. Q. R.*, X, 654–59.

² *R. E. J.*, LIII, 231–41.

³ *Studien z. Geschichte des jüd. Gottesdienstes*, 1907, and *M. G. W. J.*, LV, 426–46, 586–99.

⁴ About the latter see Ginzberg, *Z. f. H. B.*, IX, 104 ff, and *Geonica*, I, 166–7.

about the development of the local Minhag. Egyptian Jewry seems early to have become divided in matters of ritual into Babylonian and Palestinian sections. At least this was the case in the larger communities such as Fustāt and Alexandria.⁵ The first cause of this division must have been the considerable influx of immigrants from the Holy Land and the countries across the Euphrates respectively. The separation became pronounced and was sustained by the spiritual influence of the Geonim and their academies both in Babylon and in Palestine. But we hear also of a number of smaller communities in the country of the Nile, such as Abualbis, Benhe al-'Asal, Bilbais, Damietta, Damanhur, Damirah, Damsis, Damūh (or Damwah), Jaujar, Ḳalyub, Maḥalla, Milij, Minya Ishna, Minya Zifta, Punba, Rafaḥ, Sambuṭiah, Samjud, Sammanud, Sunbat, Ṣahragt⁶ and others, where the existence of synagogues with special geographical designations is not recorded. Very likely one common place of worship sufficed for all the Jewish inhabitants of any of these towns. The question thus arises as to what sort of ritual was in vogue there. Should we assume that Sa'adya's Siddur found there general acceptance? And proceeding from this hypothesis may we reason that Sa'adya in his turn embodied in his Siddur the order of service he was acquainted with in his native country?

As regards the Palestinian synagogue in Fustāt, wherefrom the Genizah MSS. emanate, we have a characteristic instance of its ritual having been influenced by Babylonian customs. Though the Triennial Cycle of the Reading of the Law from the scroll was in use in this house of worship, yet the פְּרָשָׁה of each week in the Annual Cycle was also read from ordinary

⁵ About Fustāt see Sambari's Chronicle (in Neubauer, *Mediaeval Jewish Chronicles*, I, 118-9) and especially Gottheil, *J. Q. R.*, XIX, 502 ff. Maḳrīzi (cited *ibid*, 502) enumerates 3 synagogues in Fustāt and 6 in Cairo. Of those in Cairo the one in the district of Al-Jaudiryyah was in ruins since the times of the Caliph al-Ḥakim (*ibid* p. 509); of the five in the district of Zuwailah two belonged to the Ḳaraites and one to the Samaritans (p. 512 f). Only one is expressly mentioned to have belonged to the Rabbanites. It is entirely unknown what ritual was in vogue there. About Alexandria see Mann, *The Jews in Egypt and in Palestine under the Fatimid Caliphs* Vol. I, pp. 88ff.

⁶ See about these communities Mann, *l. c.* vol. II, General Index.

copies of the Pentateuch, evidently as a compromise with the Babylonian Minhag.⁷ Moreover there is reason to assume that this compromise originated already in the Holy Land⁸ where too the liturgy had to be modified here and there as a result of the pressure brought to bear by Jewish settlers from across the Euphrates. An interesting example we have in the case of the *Q*edusha as reported by Ben-Bāboi.⁹ We know now also of the existence of separate synagogues of Babylonians and Palestinians in Damascus, Ramlah (in Palestine) and probably in Tiberias and Baniyas.¹⁰

On the other hand even in the Gaonic period Babylon did not remain free from Palestinian influence in matters of ritual. A case in point is the shortened alphabetical 'Amidah for the Minhah Service which in Palestine was recited daily but in Babylon was adopted only for the eves of Sabbaths and Festivals.¹¹ That it was a borrowing from the Palestinian Minhag is evident from the fact that the benediction *את צמח שמרע*, which makes the *שמרע* consist really of nineteen blessings, was inserted in Babylon in full thus breaking the sequence of the alphabetical composition.

In attempting to lay bare the original structure of these two fundamental rites, the Palestinian and the Babylonian, one has thus to contend with the cross-currents and the inter-twinings of customs due to the wanderings of Jews from one country to another as well as to the living spirit of congregational communion of men who, from whatever land they might have hailed, were after all the members of one people and the adherents of one God.¹²

⁷ See Mann, l. c. vol. I, 221-23.

⁸ See l. c. vol. II, 378-9.

⁹ See especially Mann *R. E. J.*, LXX pp. 122 ff. Cp. also *J. Q. R.*, N. S., VII, 474.

¹⁰ See Mann, l. c. vol. I, 148, 150, 167, 171.

¹¹ See *infra*, pp. 301-302.

¹² Herewith a number of abbreviations used besides the customary ones for periodicals:—

'Amram = עמרם ואון, 2 pts. Warsaw 1865.

'Amram (ed. Fr.) = סדר רב עמרם ושלם עם גשננו עם סדר רב עמרם ושלם, ed. Frumkin, 2 vols., Jerusalem 1912.

I. MORNING SERVICE

1. The Palestinian Morning Service leading up to חפלת יוצר shows remarkable differences both in contents as well as in grouping. There is no indication in our fragments as to whether this part of the service was recited in the synagogue or individually by the worshippers at home.¹³ In 'Amram (I, 2b) we read after the first part of the service concluding with בשובי את ה' the prescription that when the people enter the synagogue, the חזן הכנסת arises and recites ברוך שאמר which shows that the first section was read at home. It is questionable whether here by חזן הכנסת the Reader of the congregation (שליח צבור) is meant. It is of interest to cite here the directions concerning the morning Service as given

'Amram (Marx) = A. Marx, *Untersuchungen zum Siddur des Gaon R. Amram*, German and Hebrew pts, Berlin 1908.

Baer = סדר עבודה ישראל, ed S. Baer, Rödelheim.

Berliner = Berliner, *Randbemerkungen zum täglichen Gebetbuche* 2 pts. Berlin, 1909, 1912.

Bondi = J. Bondi, *Der Siddur des Rabbi Saadia Gaon*, Frankfurt, A. M. 1904.

ס' רקדוקי סופרים = ד"ס, by R. Rabinovicz.

Elbogen = I. Elbogen, *Der Jüdische Gottesdienst in seiner Geschichtlichen Entwicklung*, Leipzig, 1913.

Elbogen, *Achtzehngebet* = I. Elbogen, *Geschichte des Achtzehngebets*, Breslau, 1903.

Elbogen, *Studien* = I. Elbogen, *Studien zur Geschichte des jüdischen Gottesdienstes*, Berlin, 1907.

Eshkol = ס' האשכול, ed. Auerbach.

Geonica = L. Ginzberg, *Geonica*, 2 vols., New York, 1909.

'Ittim = ספר העתים, ed. Schor, Berlin, 1903.

Landshut = סדור הניין לב, ed. Edelman, עם מקור ברכה, by Landshut, Königsberg, 1845.

Müller, *Einleit.* = Joel Müller, *מפתח לחשובות הגאונים*, Berlin, 1891.

Müller, חלוקי מנהגים בין בני בבל לבני ארץ ישראל = חלוקי, ed. Joel Müller, Vienna, 1878.

Ratner = Ratner, אהבת ציון וירושלים.

ס' שכלי הלקט השלם = שבה"ל, ed. Buber, Wilna, 1886.

ס' שיערי שמחה = ש"ש, ed. Bamberger, 2 vols, Fürth 1861, 1862.

Soferim = *Masechet Soferim*, ed. Joel Müller, Leipzig, 1878.

Vitry = *Machsor Vitry*, ed. Hurwitz, Berlin, 1889.

¹³ See on this point Elbogen, 14-15, and Berliner, I, 10.

in MS. Cambridge Add. 3159, No. 2, consisting of two vellum leaves which are probably part of Sa'adya's Siddur.

(fol. 2a) והכדי אלסביל פידל אן יקרא כל אחד פי ביתה מן אשר יצר אלי בעת ההיא אביא אתכם כמא דכרנא. תם אתמען אלי בית הכנסת פתח ואחד להם האל המהולל בפי עמו כל אלברכה ואנאבו בעדה אמן ויקרון בעדה יהי כבוד אלי כל הנשמה. ויברך להם ישתבח שמך לעד כל אלברכה ויגבון בעדה אמן. ויקום שליח צבור ויפתח והוא רחום יכפר עון כל אלפואסיק ויגבון גמיע אלצבור כדלך. ויקול יתגדל ויתקדש שמה רבה... ויתעלה ויתקלס¹⁴ שמה דקודשא בריך הוא לעליא מכל ברכתא... ויפתח להם ברכו... המאיר לארץ ולדרים עליה ומחדש בכל יום מעשה בראשית. אל ברוך... תמיד לאל בקדשתו. תתברך יי א'נו בורא קדושים... רצון קניהם באהבה... ונותנין רשות.

(here the Ms. breaks off). We see thus that the Reader began with יצר ת' whereas the section containing the so-called Zemirot was recited by one of the congregants at the synagogue and the preceding part was read individually at home. In 'Amram חזן הכנסת may really refer to the attendant of the synagogue one of whose duties was also to open the service.

To return to our fragments. In No. 1, where fol. 2, recto, begins (*infra* p. 277) the prayer to be spared from harmful experiences is given in the form prescribed in Yer. Ber. V (8d 51 ff).¹⁵ Our text enumerates among others evil men, bad dreams, severe decrees and upheavals. Who knows whether the text of the Yerushalmi did not read likewise?¹⁶ This prayer corresponds to the one in the Babylonian ritual beginning with יה"ר... שתצילני which was originally Rabbi's prayer *after* the service (Ber. 16b) and therefore it was not inserted in Palestine at the *commencement* of the service.

2. Of the numerous first benedictions in the usual rituals our fragment has only one consisting of five items expressed affirmatively and negatively. The worshipper thanks God for having created him a human being and not an animal, man and not woman, Jew and not gentile, circumcised and not uncir-

¹⁴ About this expression in the Qaddish see especially Dr. Büchler, *R.E.J.*, LIV, 194 ff. Cp. also the fragment cited by Lévi, *ibid*, p. 204.

¹⁵ לעולם אל יהא הפסוק הזה זו מתוך פיך יי צבאות עמנו משגב לנו אלהי יעקב סלה... ר' חזקיה בשם ר' אבהו יה"ר מלפניך ה' א"ר שתצילנו משעות החצופות הקשות הרעות היוצאות המתרגשות לבוא לעולם.

¹⁶ About the variants see Ratner, *Ber.* pp. 120-1. Cf. further the insertion at אלהי נצור after the 'Amidah in 'Amram (ed. Fr. I, 265).

cumcised, free and not a slave. This is based on the three Tannaic benedictions **שלא עשני גוי, שלא עשני אשה, שלא עשני בור** Tos. Ber. VII, 18, Yer. IX (13b, 58ff). In Men. 43b the first one is expressed affirmatively **שעשני ישראל**. Sa'adya and Maimonides read **עבד** instead of **בור**, evidently because of the objection of 'Amram¹⁷. But our fragment also has "slave". The distinction between **גוי** and **ערל** reflects conditions in Palestine as well as in other Oriental countries where the Arabs practiced circumcision.¹⁸ All the other benedictions being of Babylonian origin (see Ber. 60b) are omitted in our text.¹⁹

Another curious benediction is **אשר בראת אדם הראשון בדמותו בצלמו** similar to the one in grace after a wedding meal (Ket. 8a top). The expression 'in his likeness, in his image' evidently refers to God though there is a transition from the second person to the third.^{19a} Interspersed between these two benedictions is a prayer, beginning with **בן יה'ר ורחמים מלפניך**, a phrase recurring frequently in our fragments, for one's lot to be cast with the Torah and with those who do God's will. This is a reminiscence of **ברכת התורה**, especially of **הערב נא ד' אלהינו את דברי תורתך**. After the second benediction comes a prayer for the rebuilding of Jerusalem having no visible connection with it. Then we have a supplication appropriate for the morning, viz. concerning the frustration of the supposed evil effects of bad dreams, either one's own or those of others concerning the person in question. The whole **יה'ר** is to be found in Yer. Ber. V (9a 15ff.) in the name of R. Hiyya who prescribed it for one who actually had a nightmare. In Baby-

¹⁷ Ed. Fr. I, 82, **ומאן דמברך שלא עשני בור לא עבד כהלכתא**.

¹⁸ The phrase **גוים וערלים** or **ישמעאלים וערלים** for Muslims and Christians occurs frequently in Mediaeval Jewish literature.

¹⁹ The important copy of Codex Turin 51 at the Jewish Theological Seminary of America (see about it 'Amram (Marx), p. 23ff, and Berliner *Gesammelte Schriften*, I, 134, the latter of whom erroneously thought that it was 'Amram's Siddur), which we shall have occasion to cite several times subsequently, has (fol 4a) after the other benedictions the following ones: **שלא עשיתי גוי כנויי הארצות מל ולא ערל שלא עשיתי עבד לבריות שלא עשיתי אשה שלא עשיתי בהמה**. The influence of the Palestinian rite is obvious.

^{19a} About the difficult phrase **בצלם דמות חביתו** in grace after a wedding meal, see Berliner II, 19-20.

lon it was to be recited during the priestly blessing (ב' כהנים, Ber. 55b). Finally the sentence ועל הכל, which concludes this י'ה"ר, is also to be found in the middle of the second benediction of grace after meals.

3. Fragment 2 (*infra*, p. 278) introduces ת' השחר, viz, the part with which the service commenced in the synagogue, with Ps. 113²⁻³, the nucleus of the well-known lectionary יהי כבוד.²⁰ Then there follows Neh. 9⁶. Other texts continue till v. 8a נאמן לפניך and have after it, 1 Chr. 29, 10-13²¹. In the customary rituals the passage from Chronicles comes first, and then the one from Nehemiah (up to v. 11 in order to form a connection with Ex. 14³⁰ ff.). 'Amram has only תפארתך but the verses from Nehemiah were taken over from the Palestinian ritual (i. e. 9^{6-8a}; these were also recited after the 'Amidah, see *infra*, p. 298).²² Then comes the doxology אלו פינו (now a part of נשמת recited only on Sabbaths and Festivals) concluded by the benediction אל ההודיות. The whole is cited in the name of R. Yoḥanan, a Palestinian Amora, as the thanksgiving prayer for rain (Ber. 59b). The conclusion אל ההודיות and not רוב ההודיות is already in accordance with the alteration advocated by Rabba, a *Babylonian* authority. However in Yer. Ber. I (3d top) we have the same conclusion in connection with מודים (see Bar Ḳappara's doxology) and therefore there is really no need to assume Babylonian influence on the wording of the above benediction in our texts. Anyhow we see that

²⁰ In *Soferim* 17¹¹ and 18² יהי כבוד is prescribed for New Moon and Pass-over (see Müller a. l.) *Infra* in Fragments Nos. 2, 12, beginning, and 13 end, we also have lectionaries beginning with יהי כבוד. Ps. 113² formed also the introduction of Ma'arib. *Soferim* 18⁸ states that at the evening service of the Ninth of Ab neither ברכו nor this verse are said (ואין אומרים לא ברכו). That ברכו was introduced by Ps. 113² is also evident from 10⁸ יכבר התקינו חכמים לחזנים לומר לאחר גאולה יהי שם יי מבורך ואחריו ברכו את יי המבורך כדי לצאת אותם שלא שמעו.

²¹ One fragment (*infra*, p. 279) concludes these verses with the well-known doxology יהללך. Of interest is the wording of the benediction there מהלל ברוב התשבחות which was opposed by 'Amram (see the text in Marx, Hebrew part, p. 3) הלכך מאן דמסיים ברוב התשבחות שפיר דאמי לשחוקיה.

²² Cf. also *Soferim* 14⁸, where the מפטיר recites Neh. 9⁶ at the taking out of the Scroll of the Law.

this part of נשמה, beginning with אלו פינו, evidently became in Palestine a part of the *daily service*.

In No. 13, end (*infra*, p. 325), ה' השחר commences differently. It begins with the benediction, which now concludes ברוך שאמר and is followed by a lectionary starting with יהי כבוד and ending with Gen. 49, v. 18.²³ Then we have עלינו, Ex. 20²⁴, Neh. 9⁶, 1 Chr. 29¹⁰⁻¹³ and אלו פינו which, as is apparent from the texts, was concluded by a doxology beginning with יהללך or with its equivalent. This beginning and conclusion correspond in essence to ברוך שאמר and ישתבח in the customary rituals. Elbogen (p. 83) rightly surmised that the Palestinian ה' השחר commenced with the benediction of the second half of ברוך שאמר. Only we see that there were variations and that some texts had no benediction preceding the Zemirot. It is remarkable that the real Zemirot, Pss. 145-150 (prescribed in 'Amram, I. 3a), are missing altogether in our fragments though the lectionary contains several verses from these chapters. Only No. 3 (*infra*, p. 293) has Pss. 120-150. The very expression פסוקי דומרא and not פרקי דומרא would tend to show that originally not whole Psalms but selections from them were prescribed.²⁴ Yet *Soferim* has already these Zemirot²⁵ and its ritual thus shows differences from the Palestinian one as come down to us through the Genizah. Interesting is also the recital of עלינו quite at the beginning of the morning service. Indeed there is no mention of it in our texts at the conclusion of the daily service. Its insertion there dates only from about 1300 C. E. (see Elbogen, p. 80).

To return to our discussion of No. 2. After the benediction אל ההודיות there follows another one which combines המעביר שנה and אלהי נשמה (prescribed in Ber. 60b). It should be noticed

²³ The lectionary itself consists of Ps. 104¹¹, 113²⁻³, 149², 146¹⁰, 72⁸⁻⁹, 133³, 134, 146¹⁻², 34², 104³⁴.

²⁴ In Sabb. 118b פסוקי דומרא כי קאמרינן need not be explained, as Rashi does, to refer to the whole chapters 148 and 150 of Ps. but to a selection of verses with הללו or הללויה. Cp. further on this problem Aptowitzer, הצופה מארץ הגור, I, 84-7.

²⁵ 17¹¹ מדברי (Ps. 98) ליי מלך וממור שירו ליי אבן צריכין לומר אח"כ יהי כבוד יי מלך וממור שירו ליי ושת הממורים של כל יום דא"ר יוסי סופרים ואחריו הודו ליי קראו בשמו (1 Chr. 15⁸) יהי חלקי עם המהפללים בכל יום ששה ממורים הללו.

that in *שנה* the *המעביר* there is no reference to the light that begins to flood the world with the dawn, whereas in the corresponding *night* prayer (*המפיל חבלי שנה*) we have the characteristic conclusion *המאיר לעולם כלו בכבודו*. But the Palestinian version for the morning has a distinct allusion to the light and contains this very sentence. Corresponding to the Babylonian ending *מחיה המתים* our text has *נשמות לפגרים מתים*. The phrase *ואל תצריכני לידי וכו'* recalls the similar one in the section *רהם* of *בהמ"ז* (see especially the wording of No. 21, *infra* p. 338). The wish expressed that the Torah be one's trade is based on R. Ḥiyya's prayer after the service (*Ber. 16b. אומנותו*). Finally the supplication *חוקני רוממי* is also to be found in Codex Turin 51 (referred to above, note 19).²⁶

FRAGMENT, No. 1

(Cambridge Add. 3160, no. 1, consists of 2 vellum leaves. Fol. 1, recto, begins with *מכל ענותי ישראל* (Ps. 130⁸, probably the whole Psalm was recited) and ends with *ברקים למטר* (Ps. 135⁷). There is gap between fols. 1 and 2).

(fol. 2, r.) *הרעים מבני אדם הרעים מחלומות הרעות מזירות הקשות מדברי התהפוכות מן השעות הרעות הקשות החצופות המתחדשות והמתרגשות היוצאות לבוא לעולם יי צבאות עמנו משגב לנו אלהי יעקב סלה.*²⁷
ברוך אתה יי אלהינו מלך העולם אשר בראת אותי אדם ולא בהמה. איש ולא אישה. ישראל ולא גוי. מל ולא ערל. חפשי ולא עבד. כן יהי רצון ורחמים מלפניך יי אלהינו ואלהי אבותינו שתתן חלקנו בתורתך ועם עושה (עושי) רצונך אמן:

*ברוך אתה יי אלהינו מלך העולם אשר בראת אדם הראשון בדמותו בצלמו. יי הצילה נפשי משפת שקר מלשון רמיה.*²⁸ *כן יהי רצון ורחמים מלפניך יי אלהינו ואלהי אבותינו שתבנה ועירוך בימינו ותכונן היכלך בחיינו ותשמחנו בבנין עירך ותעורר ישיני עמך ותחיש קץ הפלאות ותחדש ימינו כקדם ותחמנינו מהרה בבנין בית מקדשך כאשר אמרת והבטחת ברוך אתה יי בונה ברחמי את ירושלים: כן יהי רצון ורחמים (fol. 2, v.) מלפניך יי אלהינו ואלהי אבותינו*

²⁶ It gives the beginning of 'Amram's Siddur (with modifications) up to *ויש שוהנין לומר תחנון הללו* and then continues *אשר יצר*.

On fol. 3a we read *אלהי, זקוף קרני והנביה* *רוממי וחוקני ואמצני, פרנסני וכלכלני ד' אלהי, זקוף קרני והנביה* *מולי. אב הרחמים הביני עצה, חכמי חושיה, הורשני תעודה. הלעיטני לקח טוב מלפניך ותהא תורתך אומנתי והעמידה בידי*.

²⁷ Ps. 46^{8, 12}.

²⁸ Ps. 120².

שהפוך את כל החלומות הרעים שהלמנו וכל החלומות הרעים שחלמו אחרים עלינו לרצון לטובה לרפואה לברכה לחיים ולשלום כשם שהפכתה את קללת בלעם לברכה ואת מי המרה על ידי משה והמים הרעים על ידי אלישע כך תהפוך את כל החלומות הרעים שחלמנו וכל החלומות הרעים שחלמו אחרים עלינו למען לרצון לטובה לרפואה לברכה לחיים ולשלום לששון ולשמחה לשם ולתהלה לכבוד ולתפארת

ועל הכל יי' אלהינו מודים אנחנו לך ומברכים לשם קדשך תמיד נצח לעולם ועד אמן.

There follows a letcionary of the following verses, Ps. 104³⁴, 143^{12, 8} 53⁴—4, 88¹⁴ (clear references to the morning service.) The last word of thd MS is עשה beginning a new verse.

FRAGMENT, No. 2

(Two paper leaves in T.—S. Arabic box: Liturgy and Poetry, marked on wrapper (5), tops torn off).

Fol. 1. recto, bottom, bears the heading תפלה השחר followed by Ps. 113²⁻³. Fol. 1, verso, begins with Neh. 9⁶ (the beginning of the verse is missing in the MS. as the top is torn off) and is followed by a passage from נשמת commencing with אילו פינו מלא שירה. The page concludes with ונתנו ברעב ונתנו. There is a gap between fols. 1 and 2. The latter begins:

אתה יי' [אל ההוד] וית²⁹ ברוך [אתה יי' אלהינו] מלך העולם המחיר כבלי שינה המשמרני כאישון בת עין הפותח שערי מזרח המעלה עמוד השחר לכל המאיר לכל העולם כולו בכבודו המעביר שינה מעיני ותנומה מעפעפי הצילני מכל דבר רע ואל תרגיל בלשוני רמיה ואל תצריכני לידי מחנת בשר ודם שמתנתו מעושה וחרפתו מרובה הט לבי לתורתך תורתך תהיה מלאכתי רבון כל העולמים לא (אל read) תוציא עלי גזירת מות לא בשנה הזאת ולא ביום הזה ואם גרמו לי עוונותי והוצאת עלי (2, verso) 30 וגזירת מות תהי מיתתי עם יציאת נפשי כפרה על כל עוונותי לעתיד לבא שאתה אלוה מחיה מתים מלפניך חיים ומרפא ככתוב חיים וחסד עשית עמדי ופקודתך שמרה רוחי (Job 10¹²) ברוך אתה יי' מחיה המתים אחישה מפלט לי מרוח סעה מסער (Ps. 55⁹) אל יבשו בין קוֹיך וכו' (Ps. 69⁷). רוממני חזקני אמצני חכמני ברכיני טהרני רפאני יי' אלהי. זקוף קרני על אויבי. אב הרחמן הביני דעה. חכמני תושיה. הלעיטני לקח טוב תן יראתך ותורתך בלבי ואקראך ותעני ותשמע ותקשיב ותסלח ותמחול ותכפר

²⁹ Another fragment (T.—S. 8 H 9⁸, one vellum leaf) begins on verso with אבל אברים שפלת בנו... ויברכו את שמך and continues up to הגדול והקדוש ברוך אתה יי' אל ההודיות in the text above.

³⁰ The missing part on fol. 2 verso, top, is inserted after T.—S. 8 H 9⁸.

לעונותי ולעונות אבותי ולעונות בית ישראל ברחמים ככ' מחיתי כעב וכו' (Is. 44²²) (No more preserved; T—S 8 H 9⁸ ends at תן יראתך. There are some variants between the two texts).

Another fragment (Cambridge Add. 3160, No. 3) of two leaves begins:

אמן יי: 31: ויברך דוד... לשם תפארתך (1 Chr. 29¹⁰⁻¹³): יהללך יי אלהינו על כל מעשיך וחסידך יודו יפארו ישבחו יגדלו יזכרו ירוממו ייחדו את שמך על שירי דויד בן ישי עבדך יתרוםם שמך מלכנו לעולם ועד וזכרך בכל דור ודור לנצח נצחים ב'א' יי האל המלך המהולל המשובח המפואר המרום הנאמן המעולה המקודש המיוחד בפי עליונים ובפי תחתונים ובפי כל הנשמות אל מלך נאמן חי וקים שמך וזכרך ומלכותך בכל דור ודור לנצח נצחים ב'א' יי מהולל ברוב התשבחות אמן. אילו פינו וכו' (fol. 1, v.) ולשון אשר שמתה בפינו הם יודוך וישבחוך ויגדלוך וינצחוך וירוממוך ויברכוך ויברכו את שם קדשך האל המלך הגבור והנורא ברוך אתה יי אל ההודיות.

Then follows the benediction המתיר כבלי שינה as above. (Fol. 1, v., ends at מכל דבר רע מכל דבר פשע. There is a gap between fols. 1 and 2. The latter contains a lectionary of Biblical verses.)

4. An extensive portion of the Palestinian Morning Service we have in No. 3 (*infra*, p. 292ff.) The fragment commences with a lectionary concluded by the benediction העושה רצון יראוי, based on Ps. 145¹⁹. It ends up with אמן and likewise in No. 2 (above) מהלל ברוב התשבחות אמן. This manner of concluding the benedictions with אמן recurs frequently in our texts. It will be discussed more fully in connection with the blessings preceding the Shema' (*infra* pp. 288-9).

³¹ This seems to be ending of a יהי רצון found in the following fragment (T.—S. 8 H 23⁵ consisting of 2 small paper leaves). Fol. 1, recto, begins הנשמות אל מלך נאמן חי וקים שמך וזכרך ומלכותך תמיד נצח מלה ועד אמן. (fol. 1, v.) אתה הוא יי לבדך... נאמן לפניך (Neh. 9⁶⁻⁸) כן יהי רצון ורחמים לפניך יי אלהינו ואלהי אבותינו שחקרבינו אנחנו וכל ישראל עמך לרצונך (fol. 2, v.) לתורתך ליראתך לתשובתך לאהבתך ולעבודתך ולעשות רצונך כרצונך אמן יי: ויברך דויד (fol. 2, v.) תפארתך (1 Chr. 29¹⁰⁻¹³) ברוך יי אשר נתן מנוחה לעמו ישראל ככל אשר דבר. לא נפל דבר אחד מכל (1 K 8⁵⁶) (Here the MS breaks off). From the last verse chosen it appears that the fragment is a part of the Sabbath morning service. Cp. also Elbogen, *Gottesdienst*, 109, top. This formula of יהי רצון כן יהי רצון recurs several times in the Palestinian rite (see No. 1). Neh., 9⁶⁻⁸ and the יהי are also to be found at the conclusion of the Palestinian 'Amidah (see *infra* p. 298).

The second lectionary consists of Pss. 120–150 followed by יהללך with the conclusion בתשבחות מהולל but without אמן. A third lectionary ends up with ברכת התורה, which has almost the same wording as prescribed in *Soferim* 13⁸ for an individual when he is about in the morning to read a portion of the Pentateuch במרומים העולם חיי השמים מן הנותן תורה מן השמים חיי העולם במרומים (see Müller's note a. l.) gives better sense, viz, 'eternal life' (i. e. the Torah which is conducive to such a life) was given from on high. This corresponds to the first half תורה מן השמים and has a parallel in the benediction after the reading of the Law, נתן לנו תורת אמת וחיי עולם נשע בחוכנו (through the Torah). The Babylonian version of the above blessing is אשר בחר בנו מכל העמים (Ber. 11b). Elbogen (p. 172) rightly surmised that the form given in *Soferim* was Palestinian. Since the benediction mentions the heavenly regions (מרומים), we have in our fragment as a continuation עושה שלום במרומים וכו' such as is recited at the end of the Kaddish and also at the end of the 'Amidah. The customary reading במרומי is in accordance with the verse (Job 25²). On the other hand the phrase here יעשה עמנו שלום is grammatically more correct than עלינו. The preposition על was inserted by analogy with עלינו in the 'Amidah where however it is quite in order.

The abbreviation פ'ל'פ' recurring 4 times in our fragment is not clear to me.

After ב' התורה comes the first verse of Shema'. In the customary rituals this is introduced by a long section beginning with לעולם יהא אדם of which there seems to be no trace in the Palestinian texts, though it is already mentioned in חדב"א, c. XIX, end. The first verse of the Shema' was recited here early in the service, probably to safeguard against any delay of the time suitable for ק"ש.³² Or it may be that it was done in deference to R. Yehudah Hannasi whose Shema' consisted of this verse alone (Ber. 13b). Then follows אחד אלהינו just as is the case in the Italian and German rites at the taking out of the Law on Sabbaths and Festivals (already prescribed in *Soferim* 14^{9–10} where the task was assigned to the מפטיר).

³² See Elbogen, 91, and Baer a. l.

Also at Ma'arib (No. 13, *infra*, p. 324) the recital of Shema' is accompanied by אחד. In both instances the reading is קדוש ונורא, adopted in the other rituals only for New Year and the Day of Atonement.

After אחד we have אתה הוא לשעבר corresponding to Babylonian אתה הוא עד שלא נברא. The wording of the latter is cited by Yalkuṭ (וּמֵתָחֵן, § 836) in the name of Yerushalmi.³³ But our Palestinian text has a shorter and different version which should be regarded as the original one, if the passage really emanates from the Palestinian Talmud.

The יהי רצון that follows is taken verbally from Yer. Ber. I (3d, top) where it is prescribed for recital while the Reader says מודים. Since the prayer deals with the raising of the fallen, the verse I K 18³⁹ is inserted followed by a short confession of sins, חטאנו צורינו. סלח נא יוצרנו. The same confession recurs after the Palestinian 'Amidah (*J. Q. R.* X, 657, bottom) where it is expressly stated that it should be accompanied by נפילת אפים (יסגר ויקול). Hence we have in our text the indication that thereupon "he (the worshipper) should sit down" (וינלס ויקול). The confession in the parallel passages at Ma'arib (No. 13, *infra*, p. 324) reads זכור נא מלך ברית אבות ורחם על שאריתנו.³⁴

5. After the confession there follows another lectionary beginning with יהי כבוד and concluding with a shortened form of יהללוך.³⁵ The benediction is again בתשבחות but without אמן. This forms the end of the Zemirot. Then we have הקרבנות פ' (Num. 28¹⁻⁸) and שירת הים concluded by Ps. 113²⁻³, a doxology which in No. 2 (above p. 278) formed the introduction of השחר ח'. A fragment (*infra* p. 293, note 63) seems to prolong the שירה up to Ex. 15²⁶.³⁶ In No. 4 we have after

³³ All the other sources cited by Ratner, to Ber. p. 200, seem to have copied the passage from Yalkuṭ.

³⁴ זכור נא מלך recurs in the liturgy for the Day of Atonement; is also found at the beginning of a Selihah (in שפתי רננות, Livorno, 1837, 18a, for which reference I am obliged to Prof. Israel Davidson)

³⁵ 'Amram (I, 33a) has a similarly shortened version for the end of Hallel. יהללוך מעשיך. ישבחוך עמוסיך. יודוך חוסיך. כפי גודל נסך.

³⁶ Also mentioned by Sa'adya in his Siddur (see Bondi, p. 16). Cp. also 'Amram (ed. Fr.), I, 154, note 8.

הללך the Ten Commandments and then ויושע, i. e. the Song of Moses, and likewise in No. 12, beginning, with regard to the Morning Service of the Sabbath. It is evident that the introduction of the Song of Moses into the service is of Palestinian origin and though from the above texts the conclusion may not yet be drawn that the שירה was a part of the daily service in Palestine,³⁷ other evidence will make it certain. We hear that in Babylon the שירה was recited only on Sabbaths, Festivals and Yom Kippur whereas in the academies it was omitted altogether.³⁸ On the other hand in Rome and in the neighbouring districts and also in Spain it was in daily practice.³⁹ R. Moses b. Kalonymos of Lucca introduced the custom in Mayence (see *R. E. J.* XXIII, 234). Wherefrom did this Minhag originate? Now we know, thanks to the Genizah, that in the *Palestinian* synagogue at Fustāt the Ten Commandments were recited daily, since several generations before Sa'adya right down to the beginning of the 13th century, accompanied by the taking out of a Scroll which went by the name of ספר אלשיר. There is also mentioned צלאה אלשיר. Since we find in our texts the Ten Commandments next to the Song of Moses (Nos. 4 and 12, beginning), it is very likely that by אלשיר there

³⁷ No. 3 may be for פסח שני (see *infra*, p. 294), No. 12 is certainly a part of the Sabbath service while No. 4 is probably also for Sabbaths or Festivals.

³⁸ R. Naṭronai (cited in *'Ittim*, p. 249) writes ופסוקי דוימרא שאנו אומרין בכל יום, כאן בשתי ישיבות אין רגילין לומר אז ישיר משה אלא לאחר שחזתם על פסוקי דוימרא לאלתר חזתם ופורס על שמע וכן בבית רבינו. ובשאר בתי כנסיות (i. e. of Babylon) אומר ויושע וכל השירה בכל השבתות ובכל המועדים וביהכ"פ ואין מוחין בהן. Here we shall have an instance of Palestinian influence on the Babylonian ritual.

³⁹ See the responsum in *Vitry*, pp. 226-7, (read היא היה) דעו כי שירת הים היה מנהגינו מנהג כל קהל רומא ומנהג כל קהילות אשר סביבותינו אשר בספרד מיום גלות ירושלים ועד עתה לומר כל השנה כולה בכל יום ויום וזלתי ת"ב בלבד... ומנהג אבותינו תורה היא ובכמה מקומות אמרו רבותי' בתלמוד ארץ ישראל מנהג מבטל את ההלכה וכש"כ בדבר דבר זה שאין הלכה just as did the scholars of the Holy Land in their controversy with Yehudai Gaon (see *R. E. J.*, LXX, 117, note 1).

Elbogen, p. 86, states that R. Yehuda Barceloni knew only of the recital of the Song of Sabbaths and Festivals. But the wording in *'Ittim* indicates the reverse, ולאחר שמשלים את המזמור אומר פסוקי דוימרא כמו בחול וחזתם בתריוהו. It seems that ויושע was also recited on week days. See also Note 45.

is meant שירת הים.⁴⁰ Hence the Palestinians in Fustāt followed therein the practice of the Holy Land. Moreover just as in Italy שירת הים was not said on the Ninth of Ab, so Ibn Yarḥi reports it as a custom of Palestine which presupposes that it was in daily use.⁴¹

It is appropriate to summarize here the data concerning the recital of the Ten Commandments in the liturgy (partly discussed in Mann, *l. c.* I, 223). In the Temple they were recited every morning by the officiating priests immediately before the Shema' (Tamid 5, קראו עשרת הדברות שמע והיה אם שמע, ויאמר). After the destruction of the Temple it was intended to continue this custom at the service of the synagogue but it was abandoned since the heretics made use of it for their arguments.⁴² What these arguments were is explained in Yer. Ber. (3a ll. 31 ff.) in the names of R. Matnah and R. Samuel b. Nahman (4th century) "in order that the heretics should not say that only these (viz. the Ten Commandments) were given to Moses on Sinai". This explanation becomes the more evident from the so-called Nash Papyrus,⁴³ which represents a leaf from the daily liturgy giving the Ten Commandments and the Shema' separated from each other by the verse (found only in the LXX before Deut. 6⁴ but given here in Hebrew), "And these are the statutes and the commandments which Moses gave the children of Israel in the wilderness when they went forth from the land of Egypt." Such a verse following

⁴⁰ See Mann *l. c.* vol. I, 221-23, where I first thought that אלשיר stood for שיר של יום. The present explanation is more likely.

⁴¹ *Hammanhig*, ed. Berlin 51a, וכן שמעתי שבארץ ישראל מדלגין היום (בח'ב), שירת הים. On 10b the same is repeated with the addition of Babylon (אך בט' באב שמעתי שמדלגין בא"י ובבבל). The last word is suspicious since we know that in Babylon the Song was only recited on Sabbaths and festivals unless we assume that some time after R. Naṣronai the custom spread also to the week days.

⁴² Ber. 12a in the name of Samuel as reported by his disciple R. Judah, אף בבבליים בקשו לקרות כן אלא שכבר בשלום (viz. עשרת הדברות מלקרום) מפני חרעומת המצין. The Baraita in the name of R. Nathan, middle of 2nd Century, is missing in MS. Munich (see *Dikduke Sofrim*, a. 1).

⁴³ See *J. Q.* XV, 392-408 and cp. XVI, 559-61 for a new photograph of the papyrus. Israel Lévi (*R. E. J.* XLVI, 212ff) has rightly pointed out that the fragment formed a part of a liturgy (see especially p. 214).

the doxology being either יהללך (No. 4) or a shortened one נהללך (No. 3) since the former was used earlier in the text. In view of this a supposed passage from the Yer., cited by Ibn Yārḥi, wherein ישתבח is referred to, is rather suspicious, unless we assume that a later copyist changed the word יהללך or נהללך into ישתבח in accordance with his own ritual.⁴⁶

Herewith we conclude the discussion of the Palestinian שחרית as far as our fragments supplied the data.

II. YOSER SERVICE

6. In the customary rituals ישתבח is followed by half Ḳaddish as the conclusion of the Zemirot whereupon the Reader says ברכו. Already R. 'Aqiba and R. Ishmael dispute about the wording of ברכו as recited in the synagogue.⁴⁷ But from the Tannaitic sources it cannot be ascertained where exactly in the service it was inserted. From the comment in Yer. Ber. (11c) on Mishna Ber. 7⁴ it would appear that the difference of opinion between the above scholars concerns the saying of ברכו at the reading of the Law.⁴⁸ However from *Soferim* it is evident that ברכו was recited at the beginning of ת' יוצר as well as before Ma'arib.⁴⁹ It is remarkable that our Palestinian texts make no mention of Ḳaddish at all either before ת' יוצר or before the 'Amidah of Minḥah. In all the fragments edited

of this insertion is unknown. It would only be remarked that the conclusion of the third benediction in Musaf of New Year and Yom Kippur according to the Palestinian version is אדיר המלכה והאל הקדוש (see *infra* p. 325).

⁴⁶ *Hammanhig*, ed. Berlin 8b, וכן מצאתי בירושלמי הסח בין ישתבח ליוצר אור, עברה היא בידו וחוור עליה מעורכי המלחמה.

Also Zunz, *Ltg. Synag. Poesie*, p. 12, is sceptical about the genuineness of this Yer. passage. Cp. further the other sources cited by Ratner to Ber. p. 135, Büchler *R. E. J.* LIV, 201, note 1, and Aptowitzer, *M. G. W. J.*, LII, 311-12. It is more probable that the passage emanates from a Midrash as it is indeed cited in one source.

⁴⁷ Ber. 7⁴, אמר ר"ע מה מצינו בבית הכנסת אחד מרובים ואחד מעוטים ואמר ברכו, אתה ה' ר' ישמעאל אומר ברכו את ד' המבורך.

⁴⁸ רבי חייא בר אשי קם מקרי באורייתא ואמר ברכו ולא אמר המבורך בעין משתקניה, אמר להון רב ארפוגיה דנהוג כרבי עקיבא.

⁴⁹ 10⁸ cited above, p. 275, note 20, end. See further 18⁸ dealing with Ma'arib of the 9th of Ab ואין אומרים לא ברכו ולא יהי שם שם, whereas in the morning ברכו is recited in a soft voice שחרית לאחר המזמורים והפטוקים אלו אומר ביוצר (ברכו בקול נמוך).

here there only occurs once the indication 'יח' (= יתגדל, i. e., the *Qaddish*.) after the 'Amidah (No. 7, *infra*, p. 307). On the other hand in Palestine a special benediction introducing the Shema' was inserted before the Yozer service as well before Ma'arib having the following wording, בא"י אמ"ה אשר קדשנו במצותיו וצונו על מצות קרית שמע להמליכו בלבב שלם וליחדו בלב טוב ולעבדו בנפש חפצה.⁵⁰

This benediction is found in our texts Nos. 3 (twice), 8 and 17; *J. Q. R.* X, 654–5; *R. E. J.* LIII 240–1. On the other hand in No. 4 it is not inserted which can be explained by reason of its being יוצר ליחיד as indicated expressly in the fragment. But also the second Yozer there lacks this blessing and likewise the similar one in *R. E. J.*, l. c. 241, No. 10, headed יוצר שבת (but *ibid*, No. 7, also for the Sabbath, has it). Also in No. 7 of our fragments (fol. 2, v., *infra*, p. 307) this introductory benediction is missing, but it is possible that there is a gap between fols. 1 and 2. Finally in No. 12 the Yozer for Sabbath is not introduced by the above blessing.

We have here a divergence that extends also to ברכו. Whereas some texts have no ברכו after the benediction (*J. Q. R.* X, 655, and our Nos. 3, 8 and 17) others have either ברוך י"י ברכי נפשי את י"י המבורך (*R. E. J.*, l. c. 241) or המבורך לעולם ועד (No. 3, *infra*, p. 293, note 63). The material at our disposal does not yet enable us to explain these differences in the fragments

⁵⁰ This phrase recurs in Codex Turin 51 (fol. 19a) in ובעשות: ובא לציון רצונו ולעבדו בלבב שלם ובנפש חפצה. See further *J. Q. R.*, N. S. XI., 283, 1. 12 and note. The phrase itself occurs first in 1 Chr. 28⁹ ועבדוהו בלבב שלם ובנפש חפצה.

It should be added that in the first letter from Palestine to the Jews of Egypt, placed at the beginning of 2 Maccabees, the same passage reappears in c. I. verse 3, 'May He give you a heart to worship Him and to do His pleasure with hearty courage and with a willing soul'. Already Graetz (*M. G. W. J.*, LXVI, 1877, p. 4) has pointed out that the Gk. καρδίᾳ μεγάλῃ καὶ ψυχῇ βεσυλομένη clearly reflected the verse in 1 Chr. 28⁹. The epistle is very likely a translation from the Hebrew which read in the original somewhat like ויתן לכלכם לב לעבדו ולעשות רצונו בלבב שלם ובנפש חפצה. May one venture to assume that already then the liturgy prevalent in the Temple contained such a passage as recurs in the above benediction before the Shema'? Cp. now also Perles, *R. E. J.*, LXXIII, p. 174, who however does not refer to Graetz nor to the texts in *J. O. R.* and *R. E. J.*, cited here besides our new fragments.

of the Palestinian ritual. It may be that wherever ברכו has been inserted it was due to Babylonian influence which is still more evident where the preceding benediction has been omitted. One thing is clear that instead of Kaddish the original Palestinian ritual has as an introduction to the Shema' the above blessing. It was inserted in Ma'arib and even placed before ק"ש על המטה. A fragment containing directions for one's conduct before retiring for the night alludes to it and Codex Turin 51 prescribed it in full though it was opposed by a great Babylonian authority, Hai Gaon.⁵¹ To argue from this case of Shema' before bedtime that it was the origin of this benediction על קריית שמע, as Prof. Ginzberg (*Geonica*, I, 135 ff.) does, is to reverse the order of things. The benediction, as we have seen, was in practice in Palestine as the introduction to ה' יוצר and to Ma'arib. Then it was also inserted at the Shema' before bedtime. It seems to have spread in the latter case even to places where the Babylonian custom was adhered to, whereupon

⁵² T—S. 10H 5, being a paper leaf torn at bottom and left-hand side has the heading 11 (sleep). תפסיר אלמנאמא. It continues לישן על מטתו צריך לקרוא קריה שמע ולהמליכו בלבב שלם ובנפש חפה. שמע אלי על מוות ביהך ובשעריך. באי אמה... שניה... המאיר לכל העולם (in the usual wording) [אל] מוב. הראני חלום טוב [י]י אלהי האמת. הראני חלום אמת. ובי... אל אמת... ותחלימיני והחייני וכשהוא... אינו משיח ואינו משחקי אלא אומר הראה לפני... (no more preserved) וכשקרא קש על מטתו אומר פרשה, Code Turin 51 (fol. 45a, p. 91 of copy) reads, ראשונה ופרשה שניה שמע והיה אם שמעו. וכך מתחיל באי אמה אשר קדשנו במצותיו וציונו לקרוא קריה שמע ולהזכירו בלבב שלם ולהמליכו בנפש חפה אמן. אל מלך נאמן. שמע ישראל כל הפרשה. והיה אם שמעו כל הפרשה. באי אמה הנפיל חבלי שניה על העינים ומשקיע חדרמה על העפעפים (similar text in 'Amram, ed. Fr. I, 392-3).

There follow a number of verses with the conclusion, נשכבה בשלום ונקיאה בשלום, ופחד בלילות בנו אל ימשל. ברוך המאיר לעולם כולו בכבודו. יושב בסתר עליון כל הממור לישועתך קויתי... פדית אותי אל אמת. אלהינו שבשמים יחד שמך חכרך וקיים מלכותך חמיר עלינו לעולם ועד. ויש שאומ' נשכבה בחסדך וחותם ברוך שומר עמו ישראל לעד.

About נשכבה בשלום instead of השכיבנו, see *infra*, p. 304.

R. Hai's respons in *שערי תשובה*, No. 57, reads *מי שבברך קודם שיקרא ק"ש על מטתו בא"י אמ"ה אקב"ו על קרית שמע ולהמליכו באהבה ואנן קא חיי לן דהא ברכה זו אינו מטבע הברכות והמברכה הרי הוא מברך ברכה שאינה צריכה ומציא שם שמים לבטלה*. The wording of the benediction is somewhat different in this responsum. Abudraham (p. 23, col. 1) has another version, *ויש אנשים כשקורין ק"ש ומפני מטתם שמברכין בא"י אמ"ה אקב"ו לקבל עלינו עול מלכות שמים ולהמליכו בלבב שלם ושעוהו היא בירם...*

the objection was raised that such a blessing could not hold good where the reading of the Shema' was only voluntary (רשות) and not obligatory.

7. The Shma' is preceded by two benedictions and followed by one. The conclusion of the first one יוצר המאורות is uniform both in the Babylonian and the Palestinian rituals. Likewise the third one reads in all Palestinian texts באי (מלך) צור both in שחרית and in Ma'arib.⁵² It is mentioned already by R. Joshua b. Levi, the famous Palestinian Amora of the third century.⁵³ But as regards the conclusion of the benediction immediately preceding the Shma', our fragments offer variants. Some texts have הבורח בעמו ישראל אמן (J. Q. R. X, 655; our Nos. 3 and 5) whereas others have the wording אהב את (עמו) ישראל אמן (Nos. 4, 6, and 12) just as in Ma'arib (No. 7). In essence both versions are alike because Israel's selection as God's people is the result of the Divine Love towards it. Only in the second version the conclusion is verbally more in accordance with the beginning of the benediction (אהבה אהבה עולם רבה, as to which see farther on).

Here the point of a person saying אמן at the conclusion of his own blessing should be discussed. We find it very frequently in the portions of the Palestinian rite (see above pp. 277, 279, 286). In Yer. Ber. V (9c bottom) we read,

תני הפורס את שמע והעובר לפני התיבה והנושא את כפיו והקורא בתורה והמפטיר בנביא והמברך על אחת מכל המצות האמורות בתורה לא יענה אחר עצמו אמן. ואם ענה הרי זה בור: אית תניי הרי זה בור. ואית תניי הרי זה חכם: א"ר חסדא מאן דמר הרי זה חכם בעונה בסוף ומאן דמר הרי זה בור בעונה על כל ברכה וברכה.

It is curious to find here a Babylonian Amora quoted as the author of this compromise between the contradictory versions

⁵² J. Q. R., X, 656; our texts, Nos. 3, 4, 5, 6, 7, 8, 10, 13, Nos. 11 and 12 will be considered subsequently. See further Elbogen, *Studien*, 31.

⁵³ Yer. Ber. (I, 3d, bottom), תני הקורא את שמע בבוקר צריך להזכיר יציאת מצרים באמת ויציב. רבי אומר צריך להזכיר בה מלכות. אחרים אומרים צריך להזכיר בה קריעת ים סוף ומכת בכורים. ר' יהושע בן לוי אומר צריך להזכיר כולן וצריך לומר צור ישראל וגו'.

This Baraita is also mentioned in Tos. Ber. 2ⁱ where the word בבוקר is missing. This is more in accordance with the Palestine rite as preserved in our texts which have אמת ויציב as well as אמת ויציב at Ma'arib.

of the Baraita.⁵⁴ Several mediaeval authorities⁵⁵ cite in the name of Yer. a statement by Rab to the effect of permitting Amen after one's own benediction in three instances only (כגון אלין חלתא אדם עונה אמן אחר עצמו בהבחר בעמו ישראל באהבה, ובאהב עמו ישראל, ובבונה ירושלם בין בתפלה בין בברכת המזון).

Let us examine the data furnished by our texts. They have אמן in the introductory benediction (see above p. 279) and in the one immediately preceding the Shma'. One fragment has אמן after צור ישראל ונאלו.⁵⁶ But this affirmation is not found in the 'Amidah with בונה ירושלם (see however *infra*, p. 302). Should we say that בתפלה in the above statement of Rab refers to Ma'arib where we have the conclusion מנחם ציון ובונה מנחם אמן (R. E. J. LIII, 235; our No. 7, end, but not in Nos. 8 and 13)? Rab's opinion is also adhered to in our fragments (No. 10) in connection with the benediction of Ma'arib and also with grace after meals (Nos. 18, 19 and 21). We find thus the Palestinian rite more in accordance with Rab's view than with the Baraita actually found in our editions of Yer., unless we assume that those responsible for ordering the service of the Holy Land adopted the reading הרי זה חכם.⁵⁷

8. As regards the wording of these benedictions, the Palestinian texts offer some noteworthy features. We see that the first line consisted only of a reference to the natural phenomenon of light. It did not contain the portion known as קדושה דיוצר, as Elbogen (*Studien*, 21) rightly surmised. This is evident from *J. Q. R.* X, 654-5, and from our Nos. 3, 4, 5 and 12. But Dr. Ginzberg (*Geon.* I, 129 ff) comes to the conclusion that this

⁵⁴ It may be that this difference is due to the reading of Tos. Meg. 4 (3)²⁷ הפורס על שמע והמברך על הפירות ועל המצות לא יענה אמן אחר עצמו ואם ענה הרי זה דרך הברות.

The expression הברות is not easy and therefore v. l. (in ed. Zuckermandel) have דרך בורות which is certainly more usual. But who knows whether some texts did not read חבורות, i. e., the manner of Haber? Hence the version הרי זה חכם!

⁵⁵ See the passages given by Ratner, Ber. p. 132.

⁵⁶ Given by Elbogen, *Studien*, 31.

⁵⁷ Elbogen's statement (*Gottesdienst*, 21) that אמן was forbidden early in Palestine should therefore be modified. It was more frequently in the ritual of this country than in the Babylonian one.

Ḳedusha is pre-Gaonic and Palestinian chiefly by reason of Tos. Ber. 1⁹ where we read 'והיה עונה עם המברך ק'ק'ק'. Since the technical term המתפלל is not used, it would seem to refer to Yoṣer. But we could also argue that then the wording ought to have been הפורס על שמע which is the usual designation for the leader in the recitation of the Shma'. Moreover the data now at our disposal prove that in Palestine Ḳedusha of Yoṣer was not in the ritual. The views of the Geonim on this Ḳedusha are thoroughly discussed by Dr. Büchler (*R. E. J.* LIII, 220 ff.) The passage in Yer. V (9c 1. 64 ff., cited *ibid.*, 220-1) במימי אבון אישתתק באופנייה אחון ושאלון לרבי אבון because R. Abun replied in the name of R. Joshu'a b. Levi, זה שעובר תחתיו יתחיל ממקום שפסק (= שעובר) The expression שפסק can only refer to the 'Amidah, as Elbogen (*Gottesdienst* p. 62) rightly argues. The meaning of באופנייה is thus problematic. If it be not a corruption of some geographical name of the place where this Baṭṭai lived, and if it really refers to the passage in the service beginning with והאופנים וחיית הקדש, then the assumption may be ventured that the original Palestinian Ḳedusha of the 'Amidah, the wording of which is not preserved in the texts at our disposal, contained this passage which is essentially corresponds to אז בקול רעש in the daily Ḳedusha given by 'Amram and adopted for Sabbaths and Festivals in the שחרית service of other rituals.

It is thus clear that for Talmudic times there is no cogent proof for the existence in Palestine of a Ḳedusha in Yoṣer. As to the Gaonic period, it is true that *Soferim* mentions קדוש דיוצר (see Büchler, *l. c.* 221, 2) but this does not yet prove of its prevalence in the rite of the Holy Land which is not reflected in its purity in this tractate. Finally there is the Piyyuṭ by Ḳalir for the first day of New Year מלך אזור,⁵⁸ inserted in the German-Polish Maḥzor at this Ḳedusha. But it is altogether uncertain whether Ḳalir really wrote it for this part of the service and not for another portion, the present arrangement being entirely due to the later redactors of the Maḥzorim.

9. To return to the wording of the first benediction preceding the Shma'. In addition to nature some texts have a ref-

⁵⁸ See Zunz, *Literaturgesch. Synag. Poesie*, 52.

erence to Zion on which God's light is to shine as predicted in Is. 60¹ (so in No. 3, *infra*, p. 294, note 63; cp. also Nos. 6 and 8). Sa'adya objected to this allusion to Zion but in Babylon it was customary.⁵⁹ Elbogen's statement (*l. c.* 24, top) that Sa'adya's attitude was in defense of the Palestinian rite should be modified since our Palestinian texts show themselves differences on this point. But it may be that these fragments that have the references to Zion give evidence to the influence of Babylon on the ritual of the Palestinians in Egypt.

The commencement of the second benediction before Shma' viz. whether it be *אהבה רבה* or *אהבת עולם*, has been discussed already in Ber. 11b and still more by the Geonim and other early authorities. See especially Dr. Büchler, *R. E. J. L.*, 177-81, who has brought out the differences between Pumbedita, where the reading *אהבת עולם* was adopted, and Sura. Elbogen (*Studien*, 27, note 2) went further in suggesting that the difference of opinion between Pumbedita and Sura, really went back farther to Palestine and Babylon. This is corroborated by the fact that our Palestinian texts have only *אהבת עולם* (so in *J. Q. R.*, X, 655 l. 4, and in our No. 3 (twice); there is no ground whatever for assigning the fragment in *J. Q. R.*, X, 654, with *אהבה רבה*, to the Palestinian ritual). In view of this the statement in Rabiah (cited in *R. E. J.*, *l. c.*, 180-1) that a copy of tractate Berakot, emanating from the Academy of Jerusalem, read in 11b *אינו אומר רבה אהבה רבה* is somewhat suspicious.⁶⁰

10. So far with regard to the daily version of the two benedictions before Shema' in the Palestinian rite. But the Piyyuṭ and the desire for variety, especially on Sabbaths and Festivals, frequently caused these versions to be substituted by quite different texts leaving only the conclusions of the benedictions intact. Thus for Sabbath we have instead of *המאיר לארץ* a Paṭānic variation *אור עולם. אוצר חיים. אורות מאופל. אמר ויהי.*⁶¹

⁵⁹ See the passages cited by Elbogen, *Studien*, 23-4.

⁶⁰ See also *Rabiah*, ed. Aptow., I, 21, note 17, end, who suggests that the *ספר ירושלמי* mentioned there really does not denote the Talmud Yerushalmi.

⁶¹ This gives the origin of the Paṭānic strophe *אור עולם* at Yoṣer. Zunz (*Synagog. Poesie*, 561) was of the opinion that it formed only the beginning of a piyut consisting of rhymeless strophies in each of which the corresponding letter of the alphabet was repeated 4 times. Now we see that *אור עולם* was

אשר ברוב חכמה גדולה וכו' (an alphabetic composition, so in Nos. 4, 12, and in *R. E. J.* LIII, 241). Instead of אהבת עולם we have גפן ממצרים העלה אלהינו ויגרש גוים וישעה מים⁶² מסיני השקה אותם ונחלים מחורב (Nos. 4 and 12; in *R. E. J.*, l. c., only the first two words are preserved).

Another version is No. 5 (fol. 2, r.), the beginning of which is missing reads, בא מדרך הקדים וקולו כקול מים רבים והארץ, האירה מכבודו קומי אורי כי בא אורך וכבוד יי עליך ורח באי יוצר המאורות. The second benediction consists only of Ps. 87² אהב יי שערי אוהב יי ציון מכל משכנות ישראל. By the 'gates of Zion' a reference to the Torah may have been intended (cp. Is. 2³) or, as the ritual of Jerusalem, special emphasis was laid on the importance of the Holy City. Other liturgical modifications are also to be found in No. 4, beginning.

As regards the wording of the Geulah section following the Shma', instead of עזרת the Palestinian text have after זולתך a poetical insertion in תשועה שלמה וכו' beginning with השר"ק even for week-days (Nos. 3, 4, 6, 10; but it is missing in *J. Q. R.* X, 656, and in No. 5). Another poetical version for Sabbath is given in No. 12. The phrase זה צור ישעינו, preserved in the German rite only at Ma'arib for festivals, recurs in the benediction after Shma' at שחרית in Nos. 3, 5, 6 and 12 (see further *infra*, p. 315f.).

FRAGMENT, No. 3.

(Cambridge Add. 3356 contains 6 quires in Oriental handwriting of which the first is marked ב indicating that it was preceded by another quire no longer preserved. Quire 2 has eight leaves, 3 and 4 are of 7 leaves each, 5 and 6 are of 6 leaves each while 7 has only five.)

Fol. 1, v. begins הפלתי ובבקר (Ps. 88¹⁴) followed by Ps. 79¹³, 28⁹, 89¹⁷, 60¹⁴, 64⁸. This lectionary is concluded by the benediction,

merely a Païtanic modification of למאיר לארץ which it was intended to substitute. God ("the light of the world, the treasure of life") commanded light (to be evolved) from darkness and it happened thus. The strophe was taken over from Palestine by the Roman rite where it is still preserved for Sabbaths. The continuation of this strophe is the composition אשר ברוב חכמה וכו' as found in our texts. Later on אור עולם was recited side by side with למאיר לארץ.

⁶² Based on the well-known Aggadah אין מים אלא תורה.

ב' אתה יי' אלהינו העושה רצון יראיו אמן.

Then follows Ps. 59¹⁷, as an introduction to Ps. 120–150, the reading of which is concluded by the doxology:

יהללך יי' אלהינו על כל מעשיך וחסדיך יודו ויברכו את שמך על שירי דוד בן ישי עבדך יתרום שמך וזכרך תמיד נצח לעולם ועד באי האל המלך המרום המהולל המשובח המפואר המגדל המנוצח המעולה המיוחד בפי עליונים ובפי תחתונים ובפי כל הנשמות אל מלך נאמן חי וקים שמך וזכרך ומלכותך תמיד נצח לעולם ועד באי מהולל בתשבחות.

There follows another lectionary concluded by the benediction:

באי אמ"ה הנותן תורה מן השמים וחיי עולם במרומים באי נותן התורה: עושה שלום במרומים הוא יעשה עמנו שלום ועם כל עמו ישראל.
פ' ל' פ'

שמע ישראל... אחד: אחד אלהינו גדול אדונינו קדוש וגורא שמו לעולם ועד: אתה הוא לשעבר אלהי האלהים ואתה הוא לעתיד לבוא מלך מלכי המלכים אין עוד מלבדך אלהי ישראל: יהי מ' או'א שחסמכינו מנפילתינו ותוקפנו מכפיפתינו כי אתה סומך נופלים חוקף כפופים ומלא רחמים ואין עוד מלבדך אלהי ישראל באי אל ההודיות: וירא כל העם ויפלו על פניהם ויאמרו יי' הוא האלהים הטאנו צורינו סלח נא יוצרינו: ויגלס ויקול

פ' ל' פ'

There follows another lectionary beginning with יהי כבוד in which there recurs again this indication פ' ל' פ' and is concluded with

נהללך עזרינו לעולם ועד נשירה וזמרה לשמך מחסינו באי מהולל בתשבחות.

There follow הקרבנות פ' (Num. 28¹⁻⁸) and ויושע שירה from to which is concluded with Ps. 113²⁻³.

פ' ל' פ'

ברוך אתה יי' אלהינו מלך העולם אשר קדשנו במצותיו וצונו על מצות קרית

שמע להמליכו בלבב שלם וליחדו בלב טוב ולעבדו בנפש חפיצה אמן אל יוצר

There follows יוצר שמע in the same wording as in the fragment published by Schechter (*J. Q. R.* X, 654, bottom, 655, top).⁶³ After שמע there follows אמת ויציב as in *J. Q. R.*, l. c., 656, but with variations:

⁶³ The incomplete sentence (*ibid.*, 655, l. 6) ותן לשמור ולעשות has a better reading in our text בלכנו לשמור. Another fragment (T.—S. 6 H 3¹) begins with לקול שמע (Ex. 15¹⁶, evidently continuing the שירה up to רפאך followed by Jer. 17¹⁴ and concluded by כי לה' המלוכה וכו' After that we

...ואלהי אבותינו אתה הוא למען שמך גאלינו כנאלת את אבותינו אמת מעולם
 הוא שמך ועלינו נקרא באהבה ואין לנו אלהים עוד זולתיך:
 תשועה שלמה ראו ידידים (קדושים r.) צהלו פדוים על שונאיהם נורא
 מיהר לנער כושים יחד טבעם חילם ועם ומלט המוני דגלי גאולים בים אמרו בנים
 שירה ועל זאת שיבחו אהובים לאל ונתנו שירה וחמרו לאל חי וקים משפיל גאים
 אמרו כלם בגלה ברניה בשמחה רבה. מי כמוכה... עושה פלא. מי כמוכה ומי
 יעשה כמעשיך מגדיל ישועות ועושה נפלאות ואין דומה לך: זה צור ישעינו פצו
 פו (פה r.) ואמרו יי מלכנו ומלך אבותינו מלך אל חי וקים: משפיל גאים יי
 מלך יי מלך יי ימלוך לעולם ועד: יי מלכנו בו ישמח לבנו ותרומ קרנינו בישועתו
 וכתוב גואלינו יי צבאות שמו ב' אתה יי צור ישראל וגואלו: תם יקף יצלי י'ח'
 יי שפתי אלי כמ' אל' הא' 64 ובעד יפרג ירתנע תלאת נטע וינדחי אלי ימינה
 ואלי יסארה תם יקול יענך יי ביום צרה וג' ובעד דאך (דאלך r.) יקול אבינו
 מלכנו וג'

This service is perhaps for פסח שני because there follow directions for Pentecost. Another quire of 6 leaves contains the service for the Day of Atonement (see *infra*, p. 331, No. 16).

FRAGMENT, No. 4.

(T.—S. K. 27 contains 2 leaves of vellum of which the first one is torn off at bottom).

Fol. 1, r., contains a lectionary of verses beginning with קומה ארוממך אשרי followed by אשרי, which is only cited up to כול' מזמור while the rest is indicated only by יוצר ליום וכו'. Then we have ברוך אלהינו שבראנו לכבודו ושהבדילנו מן התועים וכו'. יוצר ליום ראשון וליחיד. בא"י... ובורא את הכל. המאיר לארץ ולדרים עליה ומהחדש בכל יום תמיד מעשהו בראשית ליי יאדירו כל פה ולשון יום (lacuna) יוצר המאורות. הארץ ומלואה (lacuna) בתורה אחת בא"י אוהב את [ישראל]... ודריה לאחד ושמו אחד (lacuna) (verso) הניחו שדי אמותם שיבחו למלכם בחיך נעמתם זה צור ישענו. בה עת תופיע לעורך ישינים. עתת גאול אחרונים. יום ב' Likewise for ב' כנאלת ראשונים. בא"י צור ישראל וגואלו (וגואלו r.) אוהב את עמו ישראל, יוצר המאורות the benedictions are יום ד' up to ד' and וגואלו צור ישראל וגואל probably shortened from וגואל.

have the above benediction before יוצר ת'. The latter is indicated by יוצר ברכי נפשי את י' המבורך בא"י... ובורא את הכל המאיר לארץ and begins with לימי החול ולדרים עליה עליה המחדש בכל יום תמיד מעשה בראשית תאיר באורך על ציון תורה בכבודך על ירושלם ותאיר לסוערה עניה קומי אורי כי בא אורך ככת' קומי אורי כי בא אורך וכבוד י' עליך זרח (Is. 60) ונא' לעשה אורים גדולים כי לעולם חסדו (Ps. 136) ברוך אתה יי יוצר המאורות. אהבת עולם וכו'.

⁶⁴ These abbreviations are not clear to me.

There is a gap between fols. 1 and 2. The latter begins with נועים לשמך לומר ומעולם עד עולם אתה אל בא"י מהולל ה (תשבחות). Then follow the 10 commandments (Dt. 5¹⁻¹⁹). Fol. 2, verso, begins הם ויושע י"י ביום ההוא א' יש' כולה יוצר בא"י... ובורא את הכל. אור (exactly as in *R. E. J.* LXII, 241, No. 10). After יוצר המאורות we read גפן ממזרים העלה אלהינו ויגרש גוים ויטעה מים מסיני השקה אותה ונחלים (as above in No. 3) מחורב בא"י אוהב את ישראל אמן. שמע. תשועה שלימה (as above in No. 3) ביום אמרו שירה על זאת שיבחו אהובים לאל ונתנו יידיים שיר חמרה למלך רם ונשא חי וקים ומשפיל גאים אמרו כלם בשמחה רבה. מי כמכה... נאדר בקדש. מי אל כאלים אמרה איומה עזר ומושיע בעת צרתי ליבבה כלה לדודה ואמרה י"י אלהינו ומלך אבותינו. רגלי מבשר על ההרים תדלגנה אומר לציון מלך (here the MS breaks off.)

FRAGMENT, No. 5.

Cambridge University Library Collection, Liturgy no 10, consisting of 2 vellum leaves, begins (fol. 1, r.) with כי לעולם חסדו. לעושה נפלאות גדולות לברו... כי לעולם חסדו. הם יקול (Dan. 9⁴⁻¹⁰) ואתפללה לי"י... אלהינו הרחמם.

There is a gap between fols. 1 and 2. The latter begins (recto) בא מדרך הקדים וקולו מים רבים והארץ הגידה מכבודו קומי (אורי כי בא אורך וכבוד י"י עליך זרח בא"י יוצר המאורות). אוהב י"י שערי ציון מכל משכנות יעקב: בא"י אוהב את עמו ישראל אמן שמע וגומ' הם תקול אמת ויציב... זולתך (as in *J. Q. R.*, X, 656). אמת אלהינו. אמת מלכינו. אמת מבטחינו. בכל דור ודור. בגלל אבותינו בקעת ים סוף ותעביר בתוכו כל זרע אהובים. ועל זאת שבחו אהובים לאל ונתנו שירה (verso) חמרה למלך רם ונשא חי וקים ומשפיל גאים אמרו כלם בשמחה רבה מי כמכה... פלא. מי כמוך ממליך כל מלך. כל מלך חולף ועובר ונוטל ממלוכתו ואתה חי וקיים לבדך. זה צור ישעינו פצו פה ואמרו י"י מלכינו. ובו ישמח לבינו. ותרום קרנינו בישועתו (בישועתנו). r.) בא"י מלך צור ישראל וגואלו. מזמור לילת אלסבת. מזמור שיר ליום השבת... וחבט עיני בשורי (here the MS breaks off).

III THE ORDINARY 'AMIDAH

11. The Palestinian version of the 'Amidah was first published by Schechter.⁶⁵ The texts given in Nos. 6, 7 and 8 contain several variants. The 'Amidah of the Holy Land can be

⁶⁵ *J. Q. R.*, X, 656-7. Re-edited by Dalman, *Die Worte Jesu*, 299, 301. On the 'Amidah in general see Elbogen, 27-60.

IV (8a) gives for the 9th of Ab a version commencing with רחם which seems to be only for this special occasion.

XVII. The form in No. 7 is somewhat shorter than in *J. Q. R.*, *l. c.* In No. 8 the version is the same, except that Ps. 95⁸ is missing and instead we have the sentence פדותינו תחיש לך מטיבנו ונודה לך which is really taken from the short 'Amidah for Minḥah where it forms letter פ' (see *infra*, p. 310). The ending לך להודות has been modified in the Babylonian ritual into הטוב שמך ולך נאה להודות. The latter is mentioned first in Midr. Ps. 29², but this is very likely due to a copyist who altered the reading according to the rite he was familiar with. The same applies to other endings there המרבה לסלוח הנון שובר אויבים and אהב צדקה ומשפט, הנון. But in other respects the whole passage there is modelled after the Palestinian 'Amidah.

The Babylonian conclusion נאה להודות ולך הטוב שמך is subject to some difficulty. The Mishnah (Ber. 4³, Meg. 4¹⁰) objects to the phrase על טוב יזכר שמך. Form the context it would appear as if the whole passage (האומר) על קן צפור יגיעו רחמין ועל טוב יזכר שמך מודים מודים was an insertion somewhere in the XVIIth benediction of the 'Amidah (see also Elbogen, 57). The Rabbis looked askance on those who made God's attributes consist merely of mercy (Yer. Ber. 9c 25ff (לא עבדין טבות שעושין למדותיו של הב' רחמים (הטוב שמך)). Hence the benediction to the effect that God's name is good (הטוב שמך) is not quite in accordance with this opinion, though in fact God (but not His name!) is referred to as good, e. g., in Ps. 25⁸, 119⁶¹, 135³. Also in No. 8 after the 'Amidah there is a Seliḥah enumerating some merciful attributes of God, אל רחום שמך, אל חנון שמך וכו' but curiously enough again our Palestinian text does not include such an item as אל טוב שמך.

XVIII. All Palestinian texts begin with שים שלומך (Nos. 7 and 80; *J. Q. R.* X, 657; on p. 659 שלותיך is no doubt a misreading or misprint for שלומיך). In No. 7 the phrase כי טוב בעיניך לברך את עמך ישראל בשלום is already a turn towards the customary version. The conclusion is עושה השלום throughout the year and not during the Ten Penitential days.

We come now to the insertions in the 'Amidah on particular occasions. The one on Saturday night as Habdalah will be dealt with later on in connection with No. 12. No. 9, beginning, has preserved על הנסים for Purim. The one for Ḥanukah is found in *Soferim* 20⁸.

ואומר בהודייה וכניסי נפלאות ותשועות כהניך אשר עשית בימי יוחנן כה"ג
וחשמנאי ובניו. כן עשה עמנו יי' אוא"א נסים ונפלאות ונודה לשמך לנצח ברוך
(א"י) הטוב

Our text for Purim shows differences but the conclusion עשה כן is very similar.⁶⁹ 'Amram Gaon and Sa'adya have similar endings with the request of the worshippers for such miracles to be vouchsafed also unto them but Hai Gaon stated that the scholars of his academy refrained from making this petition⁷⁰ and therefore it was removed from the customary rituals.

12. After the 'Amidah comes Ps. 19⁵ as prescribed by R. Yoḥanan (see above, p. 296)⁷¹ Then we have a uniform doxology taken from Neh. 9⁶–8a⁷² followed by יהי רצון מלפניך יי' אר"א (read לכל ולכל שתקרבנו ולכל ישראל עמך לרצונך-ליראתך לאהבתך לתורתך לישועתך לעשות רצונך כרצונך בלבב שלם אמן).⁷³ The composition being Babylonian in origin (Ber. 17a; Mar the son of Rabina), it was not adopted in Palestine.

This forms the conclusion of the 'Amidah. Only one text has the indication יתגדל-ית', i. e. Kaddish (cp. also above, p. 286). In *J. Q. R.*, X, 657, there follows a short confession (תם יסוד)

⁶⁹ The Palestinian formula כן without an antecedent recurs frequently in our texts (see above pp. 277, 279, note 31). But in 'Amram (ed. Fr. II, 164) we read כשם שעשית עמם כן עשה עמנו ה' אלהינו פלא נסים בעת הזאת ונודה לשמך הגדול כשם שעשית נסים לראשונים כן תעשה לאחרונים והושיענו בימים האלו (see also the Persian version *J. Q. R.*, X, 617).

⁷⁰ *Itim*, 252, ואשכחן לרבנו האיי גאון ז"ל דקאמר דלא רגילי רבנן בשיבה למימר, והלן מלין כלהון כגון בתנוכה ופורים כשם שעשית להם נס כן עשה עמנו פלא נסים. See also Elbogen, 58.

⁷¹ So in No. 9, end and in *J. Q. R.*, X, 657, and 659, end. But missing in Nos. 7 and 8.

⁷² About this doxology at שחרית see above p. 279.

⁷³ *J. Q. R.*, X, 657. Minor variants in Nos. 7, 8 beginning, and 9, end. A remnant of this יהי רצון is still preserved in the Persian rite (*J. Q. R.*, X, 610), רצה ומודים ושים שלום. יערב לפניך תפלתנו ברצון אמן ואמן. וי אלהינו יחד לבבנו לאהבה, וליראה את שמך

ת' שחרית (ויקול חטאנו צורינו. סלח לנו יוצרינו) such as found at (above, p. 281). Then comes the indication that the worshipper "request his Lord (God) concerning what he has need of" (הם יסל יסאל רבוה פימא (פי מא (יהתאג אליה), i. e. the so-called חתונות following the 'Amidah (see Elbogen, 73 ff.). Then a number of verses (not given) are read (הם יקרא פואסיק) followed by the benediction for the Torah and a lectionary which includes Deut. 28³⁻⁵, verses quite appropriate for the end of the service when the worshippers are about to leave the synagogue and attend to their business. No. 8 (fol. 1.) contains a short Seliḥah after the above בן יהי רצון, beginning with אל רחום שמך and including the phrase עשה עמנו למען שמך, similar to the one found inside אלהי נצור. In No. 13 at Ma'arib there is a similar but longer Seliḥah. Ibn Yarḥi quotes an Aggadah in the name of Samuel to the effect that the supplication to God to do one's request "for the sake of His name, His right hand and His righteous Messiah" is a sure intercession for the acceptance of one's prayer.⁷⁴ In the Palestinian rite this phrase עשה למען שמך was also introduced after the 'Amidah though the actual wording is different.

In No. 3, end, there are given the following directions, for the 'Amidah. "He (the worshipper) should arise and pray the 18 benedictions from י"י שפתי ה"א till כ"מ א"ל ה"א" which abbreviations were not clear to me. "Then he should withdraw three steps and make obeisance towards the right and the left whereupon he should recite יענך (Ps. 20) and afterwards אבינו מלכנו". It is not indicated how far the last litany extended. Probably it consisted only of א"מ חטאנו לפניך. א"מ אם אין בנו מעשים עשה עמנו צדקה והושיענו which formed R. 'Aḳiba's prayer on a fast day proclaimed for a drought (Ta'an. 25b). 'Amram (ed. Fr. I, 302) prescribes it for the Reader after גפילת אפים.⁷⁵ In the Palestine ritual at the latter ceremony after the 'Amidah only the short confession חטאנו צורינו סלח לנו יוצרינו seems to have been recited.

⁷⁴ *Hammanhig*, דיני תפלה, §62, דברים עשה, אחר תפלתו אלו נ' דברים עשה, למען שמך, עשה למען ימנך, עשה למען משיח צדקך אין תפלתו חזרת ריקם.

⁷⁵ ועומד חזן ואומר אבינו מלכנו חנו וענו כי אין בנו מעשים עשה עמנו צדקה והושיענו למען שמך.

It is remarkable that in our texts there is no indication of קדושה either after the 'Amidah of the daily morning service or after Ma'arib on Saturday night (No. 13). To say that all the texts refer to יחיד ה' and therefore ובא לציון was omitted, as Schechter (*l. c.*, 656, top) assumes on the strength of only one text at his disposal, is not likely. It is more probable that קדושה דסדרא found no entrance in the Palestinian rite. And yet Ps. 20, but not תהלה לדוד (Ps. 145), is prescribed in No. 3 after the 'Amidah. From a responsum by R. Naṭronai ('Amram, 24b, ed. Fr. I, 400; *Gaonic Responsa*, ed. Lyck, No. 90) it is evident that in some synagogues the former Psalm was recited before ובא לציון whereas in others the latter. No. 3 gives Ps. 20 but without קדושה דסדרא. In No. 4, beginning, we have had before ה' יוצר a lectionary followed by אשרי and then ברוך אלהינו שבראנו לכבודו והברילנו מן התועים וכו' ובא לציון. This is the only reference in our texts to this composition in an unusual connection.⁷⁶

IV. MINḤAH SERVICE

13. The Palestinian service for Minḥah is given in Nos. 8, 9, and 9a. It was introduced by אשרי (No. 8) of which only the first verse is mentioned. But very likely the whole is meant since R. El'azar b. Abina, a Palestinian Amora of the fourth century, strongly recommended the recital of Ps. 145 three times daily.⁷⁷

Instead of half-Ḳaddish we have the following prayer: הרחמן הוא ישמע ויענה בקול תפלתנו ובקול תפלת עמו יש' בחדס וברחמים וברצון ואמרו אמן.

Then follows a shortened 'Amidah. It is not stated whether it was intended for the individual worshippers or merely for the repetition of the Reader. The one in No. 8 is not alphabetical but gives the contents of each benediction in a shortened form.

⁷⁶ Cf. also 'Amram, ed. Fr. II, 117, after Habdala on Saturday night, וגרסי כל חד וחד כפום דבעי וכד גמרינן הלכתיהו קאים חד כי רב ואמר ברוך אלהינו וענו כלהו ברוך אלהים שבראנו לכבודו וכו'.

Also Sa'adya (Bondi, p. 15) gives after the תחנונים, subsequent to the 'Amidah of the daily morning service, אשרי followed by ברוך אלהינו שבראנו up to וחי העולם.

⁷⁷ Ber. 4b, כל האומר תהלה לדוד ג' פעמים בכל יום מובטח לו שהוא בן העולם הבא.

The endings themselves were no doubt recited in full though they are abbreviated in our text, except **מִן אֲבֵרָה**. The fourth benediction reads **הָאֵל תַּעֲרֵץ וְתִקְדֹּשׁ** which phrase clearly refers to the commencement of the customary *Ḳedusha* of Musaph on Sabbaths and festivals **וְנִעְרִיצְךָ וְנִקְדִּישְׁךָ**.⁷⁸ But it is remarkable that all our fragments both for the daily **שְׁחֵרִית** and **מִנְחָה**, have no indication of *Ḳedusha*. This is no doubt due to the fact that in Palestine this sanctification of God was recited only on Sabbaths and festivals (see *R. E. J.*, LXX, p. 122 ff.).

In No. 9 we have an alphabetical 'Amidah in which all the letters, except **ק**, are discernible. Though not actually assigned for *Minḥah* it verily likely was intended for this purpose.

No. 9a furnishes an interesting example of the adaptation in Babylon of Palestinian prayers. *R. Ṣemaḥ Gaon* reports of the custom adopted by the Readers to recite at *Minḥah* on the eves of Sabbaths and Festivals the first two benedictions of the 'Amidah in full and then to continue a shortened alphabetical version beginning with letter **ג**. The early Readers had it handed down to them by *R. Yehudai Gaon* (c. 760) who in his turn had it as a tradition from his masters.⁷⁹ Now this whole alphabetical 'Amidah is to be found in *Codex Turin* (No. 9a) where it is prescribed for **חֹרֶת הַשָּׁבִיעַ** *throughout* the week.⁸⁰

That it was originally a Palestinian composition is evident from the alphabetical scheme which did not include **אֵת צִמְחָה**, the 19th benediction of Babylonian origin. Thus when introduced in Babylon for eves of Sabbaths and Festivals, and from there for the whole week in the country whose rite *Codex Turin* represents, this benediction was inserted in full between the letters **ג** and **ס**. In Babylon also the first two benedictions were recited in full but in *Codex Turin* these are paraphrased

⁷⁸ Cf. also the old *Piyyuṭ* **תּוֹעֵרֵץ וְלַעֲוִים וְלַעֲוִים** used already by *Yannai* (see *Mahzor Yannai*, ed. Davidson, XXIX-XXXII).

⁷⁹ *Eshkol*, I, 55, מִנְחָה אֲצִלְנוּ הַחוּנִים בְּעֶרֶב שַׁבָּת וַיִּשֶׁט מִתְּפִלִּין אֲבוֹת, וְנִבְרוֹת וְאֲחִיכָּ אֹמְרִי גִדְלָךְ תִּקְדֹּשׁ בֵּנוּ, בְּאִי הָאֵל הַקָּדוֹשׁ. דַּעַת וְחִכְמָה לְמַדְנוּ, חוֹנֵן הַדַּעַת. הַדּוֹר אֲצִלְךָ תִּשְׁבֵּנוּ, הַרוּצָה בְּתִשְׁבּוּבָה. וְכֵן שָׁאֵר הַבְּרָכוֹת. וְחוּנִים הָרִאשׁוֹנִים קִבְּלוּ מִמֶּרֶב יְהוּדָאִי וְהוּא מִרְבּוֹ עַד רַבּוֹ.

⁸⁰ *Elbogen*, p. 60, states that this complete 'Amidah is to be found among the Genizah at Cambridge. This piece has not come to my notice while going through the T.—S. Collection.

in strophes 'א and 'ב⁸¹. Other changes to suit the Babylonian ritual are noticeable in the endings *הנון המרבה לסלוח*, the first word missing in the Palestinian texts, *מלך אוהב צדקה ומשפט* for *מלך אוהב המשפט* and *מכניע ודים* for *שובר אויבים וכו'* and *בונה ירושלם אמן* as none of our fragments have here *אמן* (see also above, p. 289). There are still retained in Codex Turin the Palestinian conclusions *עושה השלום* and *שאוותך לבדך* (but about the latter see *infra*, p. 317, note 107).

Owing to the incompleteness of Nos. 8 and 9 it cannot be ascertained what *תחנונים* there were recited after the 'Amidah which was concluded by Neh. 9⁶⁻⁸ and by *כן יהי רצון* (No. 9 end) just as in the morning service (above p. 298). Also Ps. 19¹⁵ besides Ps. 143¹⁰⁻¹² formed the conclusion. Probably there followed a short *Seliḥah* such as at *שחרית* (above p. 299).

V. MA'ARIB

14. The service was opened by the special Palestinian benediction before Shema' just as on the morning (Nos. 8, and 17 for Tabernacles). There is no mention of *ברכו*. On the other hand in No. 7, fol. 2, verso, we have *נפשי את יי' המבורך* without the above blessing preceding it. The same is evident from Nos. 9 and 10 of the fragments published in *R. E. J.* LIII, 240-1, both for the *Yoṣer* service of Sabbath, the first having the above benediction without *ברכו* whereas the second has *ברכי נפשי* without the benediction. Is this difference due to the one being *ת' יחיד* and the other *ת' צבור*? One thing is clear that in Palestine Ma'arib was not introduced by *הוא רחום* (Ps. 78³⁸ 20¹⁰) which recurs in all rituals since 'Amram. Sa'adya even maintained that at all services on morning, afternoon and evening on week days as well as Sabbaths and Festivals *הוא רחום* should be recited, including even before *Musaph* (as is evident from several Genizah fragments).

As regards the first benediction before Shema', the phrase *גולל אור מפני חשך וחשך מפני אור*, mentioned by Abbay in *Ber.* 11b, is not found in No. 7, but No. 8 has it. The conclusion *יי' צבאות שמו קדוש ישראל* in No. 7 is from Is. 47⁴, the first word

⁸¹ Zunz. *Lit. Synag. Poesie*, p. 66, quoted the beginning and the end of this composition from Codex Turin but maintained that it formed a *Ḳerobah* whereas it really was a substitute for the usual 'Amidah.

of the verse גאלנו having been left out (but in No. 6, close to the benediction immediately preceding the 'Amidah of שחרית, the full verse is given). In No. 8 there is a Paitānic insertion תהלתך concluding with בלבב שלם ובנפש חפצה just as in the introductory blessing.

The 2nd benediction preceding Shema' begins in No. 6 with אהבת עולם and is very similar to the customary text. The conclusion has אמן after it just as in שחרית (see above p. 289). But in No. 8 we have another version beginning with ומאהבתך which beginning was adopted in Babylon only for Sabbaths and Festivals (see *infra*, p. 312f.). Modelled after this version is *R.E.J.* LIII, 234, באהבתך יי אלהינו תרחם עלינו מכל צרה ויגון תמלט (here the leaf breaks off). In both texts there is no mention of the study of Torah which is the chief feature of the usual form of אהבת עולם.

15. Both in Nos. 7 and 8 the recital of the whole Shema' is indicated. There we detect the influence of the Egyptian Minhag because the author of Halakot Gedolot reports that still in his time several communities in Palestine had the custom of not saying the third section of Shema' at Ma'arib.⁸² As a result of having introduced this section there follows the continuation ויצב אמת up to זולתך. Rab prescribed in Babylon אמת (Ber. 12a) but it found no vogue in Palestine.

Thereupon we have in No. 7 a composition beginning with אתה הכית and ending with the prayer for redemption קיים ה' אלהינו כבודו וגדלו וקדושתו וקדושת שמו הגדול ויגאלנו גאולה שלימה שאין אחריה שעבוד. Sa'adya has a similar prayer (see 'Amram, ed. Fr. I, 382) which is evidently due to Palestinian influence. The Geonim objected to it as regards שחרית (see *infra*, p. 315f., to No. 11).

Another version is found in No. 8 which has after זולתך an alphabetical composition extending to letter ו'. At the end there is again a prayer for the Geulah.

The uniform Palestinian conclusion was צור ישראל וגואלו just as at שחרית.

⁸² Ed. Hildesheimer, p. 23, ועד השתא כמה מדינות בארץ ישראל הכי נהיגין למימר, באורחא וקא סברי שמע ודיה אם שמוע נהיגין ביום ולילה ויאמר אינו נהג אלא ביום Elbogen, 101.

The second benediction following the Shema' has 2 beginnings. One is השכיבנו mentioned in Ber. 4b, 9b (so in Nos. 7 and 13) and the other נשכבה בשלום (No. 8 and *R. E. J.* LIII, 236)⁸³ Both versions are very short, though No. 13 has a larger selection of verses. The Palestinian conclusion was פורס סוכת שלום עלינו ועל כל עמו ישראל מנהם ציון ובונה ירושלם אמן (only No. 8 has no אמן). The reference to peace in the body of the benediction demanded the same in the conclusion and the idea of peace to all Israel suggested the addition of the comforting of Zion and the building of Jerusalem. It was only natural that in the Holy Land the notion of peace to Israel should include the items of the restoration of the Holy City. Hence the above wording was likely the original version in vogue in Palestine.⁸⁴ In Babylon, however, the conclusion for week days was שומר פורס סכת שלום עלינו ועל [כל] עדת עמו whereas for Sabbaths and Festivals the influence of the Palestinian eulogy made itself felt in the academy of Sura where the eulogy was פורס סכת שלום עלינו ועל ישראל ועל ירושלם. But in other synagogues (evidently in Babylon) no distinction was made, the usual form שומר עמו ישראל לעד being retained.⁸⁵ The Palestinian eulogy found entrance in some communities on Festivals, e. g., for Pentecost, but R. Naṭronai objected to it.⁸⁶

It should be noted that there is no indication in Nos. 8 and 13 that the 'Amidah should be recited subsequently but it

⁸³ Codex Turin 51 has for Ma'arib והוא רחום and then after עושה פלא it continues מפי עוללים ויונקים שירה שמעתה ועל הים כולם יחד הודו והמליכו ואמרו (just as in 'Amram, ed. Fr., I, 382). Instead of השכיבנו we have the following version נשכבה בחסדך ונקיצה ונשבעה באמונתך ופחד וצרה ושטן בלילות אל ימשול בנו (r. כאמור אם תשכב לא תפחד ושכבת וערבה שנתך. ושומרינו והצילינו מכל דבר רע והשמד שטן מלפנינו ומאחרינו ושומר צאתינו ובואינו מעתה ועד עולם כי שומרינו ומצילנו אתה).

The beginning is clearly modelled after the Palestinian form beginning with נשכבה though as a whole it approaches 'Amram's version. The author of the Codex knew also of השכיבנו and therefore remarks, ויש שאין אומרים נשכבה, בחסדך אלא אומרים השכיבנו.

⁸⁴ See especially Dr. Büchler, *J. Q. R.*, XX, 798 ff. His objections (pp. 804-5) to this bipartite form of the eulogy do not seem to be cogent.

⁸⁵ See the responsum of R. Sar Shalom (cited *ibid.*, p. 829, note 21.) It is not evident wherefrom Dr. Büchler deduces "that the questioner knew only of שומר as the end of the benediction" (*ibid.*, p. 802, top).

⁸⁶ See *ibid.*, p. 808 note 13.

would be unwarranted to conclude that it was not recited in Palestine owing to *ח' ערבית* being only *רשות* and no obligation. No. 12 expressly prescribes the 'Amidah for Saturday night giving the wording of Habdalah in connection with the 4th benediction and No. 13 very likely also refers to Saturday night. The omission of the 'Amidah in the above fragments is no doubt due to the fact that the copyist did not wish to repeat it as it could be found in the section dealing with *שהרי*.

One thing is evident that in the Palestine ritual the whole section beginning with *ברוך ד' לעולם* was missing. There is a consensus of opinion that it originated in Babylon, having been introduced either by the Saboraim or by the heads of the schools, i. e., the Geonim.⁸⁷ The account of its having been accepted in the Holy Land is quite unhistorical and in our texts there is no trace of it.

How the Ma'arib service was concluded after the 'Amidah is not clear. In *R. E. J.* LIII, 235, ll. 6-10, seem to be part of *חזנונים* after the 'Amidah (the latter not being indicated as in the other fragments). No 13 dealing with *מוצ"ש* (see *infra*, p. 324) contains a long section of such *חזנונים* which leads one to assume that such existed for the rest of the week.

FRAGMENT, No. 6.

T.—S. 8 H 9⁴ consisting of 2 paper leaves begins (fol. 1, v.) with *הבחר בעמו ישראל*, then follow *שמע* and *ואמת ויצבי*. There is the same insertion *שלמה וכו'* after *וזלתיך* as above in No. 3. Only the end reads as follows:

בנים בים אמרו שירה ענו כולם בנילה ברנה בש' (=בשמחה) רבה מי כמכה
...פלא מי כמכה ומי יעשה כמעשיך. מגדיל ניסיוןך. לזרע חוסידך. זה צור ישענו
פצו פה ואמרו יי' מלכנו מלך אבותינו מלך חי וקים שמך עלינו יי' מלך... לעולם
ועד. יי' מלכנו. חוש ישעינו. ושלא גאל לגאלינו. וכתוב גואלינו יי' צבאות שמו
קדוש ישראל בא"י [צור] ישראל וגואלו.

⁸⁷ *Itim*, p. 173, דעה דתחננוי ודשמירה דתקינו רבנן בתראי דבתר הוראה, לכן חוסיפו ראשי ישיבות שבבבל ברכה אחת וכו'. *Pardes* 55b, למיחתם בתרהון המולך בכבודו ועל זה הטעם חוסיפו ראשי ישיבות שבבבל, §52, reports in the name of Rashi, ולומר הפסוק... ושלחם לאנשי ארץ ישראל וקבלום *Vitry*, §101, has it that the section was sent to the scholars of Jabneh (!). Needless to say that this is quite unhistorical. See also Frumkin in his edition of 'Amram, I, 382, note 5, and on the general question Elbogen, 102-5.

There follows the 'Amidah according to the Palestinian version up to the middle of רפאנו (as in *JQR.* X, 656-7). There are a few variants.

אתה גבור משפיל גאים חזק לדין עריצים... 88 מכלכל חיים ומחיה המתים ואין דומה לך... אתה קדוש. ושמוך קדוש. ולך יאמרו קדושים קדוש... חננו דעה מאתך ולמדנו בינה מתורתך... השיבנו יי אליך ונשובה חדש ימינו כקדם כי שובו שובו אמרת לנו ועל התשובה מראש הבטחתנו באי וכו'.

Another fragment in T—S. Box K. 27, consisting of 2 vellum leaves, has the reading

אתה גבור [ואין] כמוך חזק אין זולתך משיב הרוח ומוריד הגשם מכלכל חיים בחסד מחיה מתים ורב להושיע... קדוש אתה ונורא שמך ואין אלוה מבלעדיך...

See also *JQR.* X, 658, bottom.

FRAGMENT No. 7

(T.—S. 8 H 24^s consisting of 3 paper leaves, square writing.)

(fol. 1, r.) V השיבנו יי אליך ונשובה [חדש ימינו] כקדם באי הרוצה בתשובה:

VI סלח לנו אבינו כי חטאנו לך מחה והעבר פשעינו מנגד עיניך [כי רבים] ר [רחמיך] באי [המרבח לסלוח]:

VII [ראה] בענינו וריבה ריבנו וגאלינו [מהרה] למען שמך באי גואל ישראל:

VIII רפאנו יי אלהינו ממכאוב ל [בינו] יגון ואנחה ודבר העבר ממנו והעלה רפואה למכותינו באי רופא חולי עמו ישראל:

VIV בריך עלינו יי אלהינו את השנה הזאת לטובה ולברכה בכל מיני תבואתה ותן טל ומטר על פני האדמה באי מברך השנים:

X תקע בשופר גדול לחירותינו ושא נס לקיבוץ גלותינו באי מקבץ נדחי עמו ישראל:

XI השיבה שופטינו כבראשונה ויועצינו כבתחלה באי אוהב המשפט:

XII למשומדים אל [תהי] [תקוה] אם לא ישובו לתורתך הנוצרים והמינים כרגע יאבדו (fol. 1, v.) [מהרה] ימחו מסיפר החיים ועם צדיקים אל יכתיבו באי [מכניע] זידים:

XIII על הצדיקים [ועל] החסידים יהמו רחמיך יי אלהינו ועל גירי [הצדק] אשר הם בטחו בך תן לנו ולהם שיכר [שכר] טוב עם עושי רצונך באי משען ומבטח לצדיקים:

XIV על ירושלים עירך ברחמים תשוב ותשכון בתוכה כאשר דיברת באי אלהי דוד בונה ירושלים:

XV שמע יי אלהינו את קול תפילותינו ועשה מהרה את בקשתינו באי שומיע תפלה:

XVI רצה יי אלהינו ושכון בציון כמאז מהרה יעבדוך עבדיך ובירושלים

⁸⁸ See also in *M. G. W. J.*, LV, 433 (for Passover) and 594 (for Yom Kippur)

נשתחזה לך בא"י ש[נאותך] ב[נראה] נעבוד:

XVII (fol. 2, v.) מודים אנחנו לך י"י אלהינו ואלהי אבותינו על טובותיך אשר מעולם ועל [חסדיך] ורחמך אשר מימי קדם ואם אמרנו מטה רגלינו חסדך י"י לנצח [בא"י] הטוב לך להודות:

XVIII שים ש[לומך על] ישראל עמך וברכינו ושמרינו [כולנו] כאחד כי טוב בעיניך לברך את עמך ישראל בשלום בא"י עושה ה[שלום]:

אתה הוא י"י לבדיך... נאמן לפניך כן יהי רצון ורחמים מלפניך י"י אלהינו ואלהי אבותינו שתקריבנו אנחנו וכל ישראל עמך לירצונך ליר[ואתך] לתורתך ולאהבתך לעבודתך ולעשות ורצונך [כרצונך] אמן: ית' (=תגדל וכו')

(fol. 2, v.) [ברכי נפשי את י"י] המבורך לעולם ועד בא"י [מ"ה אשר ב]דברו מעריב ערבים בתבונה [משנה] עתים מחליף את הזמנים ומסדר [את הכוכבים ומביא] לילה המבדיל בין יום ללילה י"י צ[נבאות] שמו קדש ישראל בא"י המעריב [נעריבם]:

אהבת עולם לישראל עמך אהבת [ומלפנים] רצית בנו תורה ומצות למדת אותנו: על כן בשכבינו ובקומינו נשיח בחוקיך ולא נסור ממצותיך כי הם חיינו ואורך ימינו ובהם נהנה יומם ולילה ואהבתך לא [אל r.] חסר ממנו בא"י אוהב את עמו ישראל אמן: וחכול שמע וג' אלי אמת אלי ואין לנו אלהים זולתך:

אתה הכית כל בכור בארץ מצרים מבכור אדם ועד בכור בהימה ובאלהיהם שפטים עשית על אודות ישראל עמך ים סוף בקעת מ[לפני] אבותינו ותעבירים בתוכו בחרבה והמים להם חומה מי[מינים] ומשמאלם ואת רודפי עמך בנים סוף טבעת] (fol. 3, r.) אחד מיהם לא נותר שם שנבחו משה אהרן ומרים בירכוך גדלוך... רוממוך ייחדוך אמרו כנולם יחד בשמחה רבה מי כמך... פלא ונמלכותך קבלו עליהם ועל זרעם לדור ודורם. לכן אמרו זה צור ישעינו. י"י מלכנו. ומלך אבותינו. שמך עלינו. י"י מלך... ועד. קוים י"י אלהינו כבודו וגדלו וקדושתו וקדושת שמו הגדול ויגדלו ויגדלו גאולה שלימה שאין אחריה שעבוד בא"י צור ישראל וגואלו:

השכיבנו י"י אל' לשלום והעמידנו לשלום ופרש עלינו [סוכת] שלומך מן היום ועד העולם ככ' בתורתך ונתתי שלום וגו' 89 אם תשכב לא וגו' 90 והבה לנו תשועה מצר ושוא תשועת עולם [אדם r.]. באלהים נעשה [חיל] 91 בא"י הפורס סכת שלום עלינו ועל עמו ישראל מנחם ציון ו[בונה ירושלים] אמן וחכול... ש...

Fol. 3, v., very faded, contains a part of הדבלה.

FRAGMENT, No. 8.

(Cambridge Add. 3160, no. 6, 2 vellum leaves)

XVII (fol. 1, v.) ואלהי אבותינו על טובותיך אשר מעולם ועל חסדיך

⁸⁹ Lev. 26⁶

⁹⁰ Prov. 3²⁴

⁹¹ Ps. 60¹³⁻¹⁴

ורחמ' (=ורחמ'יך) אשר מימי קדם פדותינו תחינו (תחיש r.) וגודה לך מטובינו (מטיבינו r.) בא"י י"י הטוב לך להודות:

XVIII שים שלומך אלהינו וטובתך וברכתך על ירושלם עירך ועל יש' עמך ברכנו אבינו בעוצם ברכותיך כלנו פה אחד נברך ונשבח לשמך לעד ב"א י"י עשה השלום: אתה הוא לבדך... נאמן לפניך כן יהי רצון מלפניך י"י אלהינו ואלהי אבותינו שתיקרבנו עם כל יש' לעשות רצונך וליראה את שמך ולעבדך באהבה באימה וביראה אמן: אל רחום שמך. אל חנון שמך. ארך אפים שמך. מלא רחמים שמך. (fol. 1, v.) י"י עשה עמנו למען שמך. על עירך. ועל עמך. כרוב רחמין הרבים רחם עלינו והושיענו למען שמך.

ב"א י"י אל'ינו מ'ה אשר קדשנו במצ' וצונו על מצות קרית שמך על המליכו בלבב שלם וליחדו בנפש חפצה.

ב"א י"י המעריב ערבים. המשנה את העתים. המחליף את הזמנים. הסודר כל הימים. גולל חשך מפני אור ואור מפני חשך ומעביר יום ומביא לילה. היא תהלתך ותפארתך צורינו מלכנו י"י צבאות שמך בקר וערב ונהללך ונברכך בלבב שלם ובנפש חפצה ב"א י"י המעריב ערבים:

ומאהבתך א'ינו הרבה והעצומה שאהבתנו מקדם בגלל אבותינו אשר בטחו בך לארח משפטיך נקוה לשמך ולזכרך הטוב תתאווה נפשנו ניוחד ונחכה לעד כי אתה מעולם אבינו שמך עלינו נקרא. אנא א'ינו אל תניחנו משוך עלינו לחסודך להודיע אהבתך בנו לעיני כל היצורים ככת' ואהבת עולם אהבתך על כן משכתך חסד: ב"א י"י אוהב עמו יש': שמע וכו' עד אין א'ים זולתך. (fol. 2, r.) אתה א'ינו רחום בך נרחם: בצרת אבותינו ראיתך. בשפטים עשרה נקמתם עשיתך. בכורי מצרים חבלתה. גאולים ביד רמה הוצאתה. ים סוף להם בקעתה. ובין חומות מים הולכתה. למו בששון מתוכו היבלתה. דולקים בתוך ים הורדתה. ועמוד אש וענן במחנה חם הממתה. וכעופרת במי תהום כולם הצללתה. ושם עולם גדול ומהולל לכבודך עשית. ועל מופתך הנוראים הנפלאים האמינו בך אבותינו כי אתה א'ים ואין עוד ואמרו כלם בשמחה רבה מי כמוך... פלא: עול מלכותך א'ינו קבלו עליהם באהבה ועל זרעם לדרתם בכך ברצון ענו ואמרו י"י מלכינו מלך אל חי וקים ושמו נקרא עלינו. י"י ימלך לעולם ועד. אנא אל ישועתנו. ראה נא בצרתינו. קרב לנו קץ גאולתינו. כי לך היא תוחלתנו. ב"א י"י מלך צור יש' וגואלו:

נשכבה בשלום ונקיצה בשלום ופחד בלילות אל ימשל בנו ב' (fol. 2, v.) א' י"י פורש סוכת שלום עלינו ועל עמו יש' מנחם ציון ובונה את ירוש': תפלת מנחה אשרי יושבי ביתיך עוד יהללך סלה הרחמן הוא ישמע ויענה בקול תפלתנו ובקול תפלת עמו יש' בחסד וברחמים וברצון ואמרו אמן י"י שפתי תפתח ופי יגיד תהלתך ב"א מגן אברהם. מחיה בגשם החייו ב"א מחיה.

האל תערץ ותקדש ב' האל. חונן דעה למדינו ב' חונן. הרוצה לשבים מפשע בר' הרוצה.

המרבה לסלח לעוניו ב' המרבה. גואל משהת חיינו ב' גואל. רופא חתל מכאוב לבינו ב'א' רופא. ברך שנתנו בגשום ב' [מברך. מקבץ נפוצים לעירך ב' מקבץ. אוהב צדקה ומשפט ב' א' אוהב. מכניע זדים ארורים ב' שובר. מבטח לכל החוסים ב' מבטח. אלהי דוד שלט תבנינה ב' אלהי דוד. שומע תפלה לכל חי ב' שומע. שאותך נעבוד ורצינו ב' שאותך לבדך ביראה נעבד.

מודים אנחנו לך אתה הוא אלהינו ואלהי אבותינו על טובותיך אשר מעולם (here the MS breaks off).

FRAGMENT No. 9.

(T.—S. Box H 18, no. 4, consisting of four detached paper leaves).

(fol. 1, r.) ועל הגסים ועל הפורקן ועל הפדות שעשית לאבותינו על ידי מרדכי ואסתר בימים האלו ובזמן הזה שעמד עליהם המן הרשע ובקש להשמיד וכו' (as in our text) ... על העץ. כן עשה עמנו יי אלהינו נסים וגבורות ונודה לשמך מלכנו סלה טוב להודות ליי ולומר לשמך עליון באי הטוב לך להודות.

(fol. 1, verso) בשם רחום יי שפתי... מניינו ומנן אבותינו. אשרי עם מצפים לישועתך באי מנן אברהם... [ברחמים תעורר ישיני [אד[מנה ות]וריד על הארץ גשמי ברכה. באי מחיה המתים גודדי [מרום] גאות יעטוך. עמוסי בטן עז ילבישוך. באי (fol. 2, r.) האל הקדוש

דעת ישרה [ת]כונן בלבינו שלא נסור מפיקודיך. באי חונן הדעת הכין לבינו לעשות רצונך גוי ישרון שומר אמונים. באי הרוצה בתשובה וחטאת נעורים. אל תזכור סלח לעפורים. באי המרבה לסלוח זכור תזכור... גואל בנים... באי גואל ישראל חלאי עמך מהרה תרפה... ארוכה תעלה באי רופא חולי עמו ישראל טוב השנה הזאת (fol. 2, v.) ... להודות לשמך באי מברך השנים ישפור על נדחי עמך לכונס אל... באי מקבץ נדחי עמו ישראל כמשפט צדק תרחם עדתך... [באי] אוהב המשפט [למשומדים]... מחה פושעים... [באי] מכניע (fol. 3, r.) זידים נצור לישראלים חסד עמלם. שמח לב הנלויים עליך באמת באי מבטח לצדיקים על ירושלים עירך ברחמים תשוב כסא דוד בתוכה יכון באי אלהי דוד בונה ירושלם

סידר תפלתנו והגיון לבינו ואנקת נפשינו מהרה תשמע באי שומע תפלה פנה אל מזבחך בימינו פרים נשלם ואתה תרצה בעבודה באי שאותך ביר [נאה] נעבוד

מודים אנחנו לך [אתה] (fol. 3, v.) הוא יי אלהינו ואלהי אבותינו כורעים

ומשתחיים לפניך אבינו מלכנו צור חיינו וארון שלומינו על כל הטובות החסד והרחמים אשר גמלתנו אשר עשיתה עימנו עם אבותינו מלפנינו דורשיך יהללוך בכל עת בשפתיים ובלשון בלב ובכליות בא"י הטוב לך להודות וברכינו י"י אלהינו. שומרינו וחננו. ברכת שלומך אתה תשים עלינו. בא"י עושה השלום

אתה הוא י"י לברך אתה (fol. 4, r.) עשיתה... נאמן לפניך כן יהי רצון ברחמים מלפניך י"י אלהינו ואלהי אבותינו שא'... ותקרבנו אנחנו וכל ישראל [נעמד] כרצונך ליראתך לתורתך [ואהבתך] (fol. 3, v.) לעשות כרצונך כרצונך אמן י"י.

There follow Ps. 143¹⁰⁻¹² and 19.¹⁵

FRAGMENT, No. 9a.

(Codex Turin 51, fols. 33b, 34a, p. 73 of copy made by Schechter and now at the Jewish Theological Seminary).

וכשיגיע זמן המנחה בחול נוטלין ידיהן ואין צריך לברך על נטילת ידים. ונכנסין לבית הכנסת ופותחין באשרי יושבי ביתך ויקום ש"ץ ואומ' יתגדל עד לעילא ומתפללין בלחש כעניין שחרית ופותח החזן ואומ' בא"י... קונה שמים וארץ. ואומ' מעין שמונה עשרה ברכות

ארון למענך עזרינו וגונונינו בא"י מגן אברהם. בקיץ אומ' ברעפת טל ובחורף אומר בנבורות גשם החיינו בא"י מחיה המתים. נקדישך ונעריצך... לדור ודור הללויה. גודלך יתקדש בנו בא"י האל הקדוש. דיעה וחכמה מפיק למדינו בא"י חונן הדעת. הדור אליך השיבינו בא"י הרוצה בתשובה. ומחה רעב (רוב r.) פשעינו בא"י חנון המרבה לסלוח

זרזו זמן קץ גאולתינו בא"י גאל ישראל. חתל מכאוב לבנו בא"י רופא חולי עמו ישראל טוב טלליך וגשמיך⁹² ינוכבו ויתברכו שנותינו בא"י מברך השנים. יאתיו מקצות פזורינו בא"י מקבץ נדחי עמו ישראל.

כשופטך חכריע צדקינו בא"י מלך אוהב צדקה ומשפט. להבהב דחה כל אויבינו וצרינו בא"י שובר אובים ומכניע זידים.

מעז ומנוס משען ומבטח היה לנו בא"י משען ומבטח לצדיקים. נעלזו בבנין קרית נגידינו בא"י בונה ירושלם אמן.⁹³

את צמח דוד מהרה תצמיח וקרנו תרום בישועתך כי לישועתך קיינו כל היום בא"י מצמיח קרן ישועה.

שא נא שיח פילולינו בא"י שומע תפילה. עולות כאז רצה נא שיח שפתותינו בא"י שאותך לברך ביראה נעבד.

מודים אנחנו לך שאתה הוא י"י אוא"א על טובותינו אשר מעולם על חסדיך ורחמך אשר מימי קדם. פדותינו תחיש ונודה לך מטיבינו בא"י הטוב שמך ולך נאה להודות.

⁹² This to be said in winter.

⁹³ About אמן see above pp. 289 and 302.

צורינו קדושינו רוב שלום תעמרינו בא"י עושה השלום. וקדיש כולו עם עושה שלום
במרומיו הוא יעשה שלום על כל ישראל.

VI. SABBATH AND SABBATH NIGHT

16. For Friday night no purely Palestinian texts are at our disposal. Nos. 10 and 11 reveal distinct traces of influence of the ritual of the Holy Land but are on the other hand portions of Minhag Miṣraim and as such contain borrowings from the Babylonian order of service. No. 10, beginning, has the conclusion of ה' יוצר. There is an allusion to the redemption by combining Is. 52⁷ with Cant. 2, v. 8⁹⁴ but there is no special prayer for it. The same phrase we find in Nos. 4, end, and 12. But in No. 6 as well as in *J. Q. R.*, X, 656, the redemption is expressly asked for. The verse Is. 47⁴ is inserted in Nos. 3 and 6 (see above, p. 302 f. with regard to Ma'arib).⁹⁵

To return to No. 10. 'The Prayer of Sabbath' (i. e., Friday Evening) is opened up by Ps. 121. The lacuna between fols. 1 and 2 probably consisted of one leaf which contained the remainder of this Psalm (from v. 3, שמריך) and the beginning of ויכול which is concluded on fol. 2. Thus Gen. 2¹⁻³ were recited before Ma'arib. On the other hand No. 5, end, indicates for this service Ps. 92 as its introduction. The latter fragment being purely Palestinian, we thus are enabled to trace the origin of the recital of Ps. 92 (and probably 93, as our text is incomplete) as going back to the ritual of the Holy Land. The whole section of קבלת שבת beginning with לכו נרננה (Ps. 95) was inserted as late as the end of the 16th century (see Elbogen, 108).

The Ma'arib proper contains Paitānic compositions beginning with לך (being in all instances, except one, a verse) and consisting of four rhymed hemistichs. This Paitānic scheme makes it evident that No. 11 is the continuation of No. 10, only a small part missing between them. That they do not represent the pure Palestinian ritual is evident from the indication of אמת אמונה after the Shema' (No. 10) instead of אמת ויציב as well as from the eulogy גאל ישראל אמן (No. 11) instead of צור ישראל ונאלו.

⁹⁴ Cant. 2⁸ is referred to the redemption and the Messiah in Cant. R. c. 2, 5.

⁹⁵ G. 47⁴ is also found in Sephardic ritual (see Elbogen, 23).

(see above p. 303). Likewise in שחרית of Sabbath (No. 11, end) we have גאל ישראל אמן. Non-Palestinian is also the wording of מודים and שים שלום with the conclusion המברך את עמו ישראל בשלום. These two fragments are thus a fair specimen of Minhag Miṣraim with its admixture of Babylonian and Palestinian features of the service. Our texts offer a version quite different from Sa'adya's (see 'Amram, ed. Fr., II, 7). Thus Sa'adya had for the 1st benediction preceding the Shema' a composition beginning with ויקראו ביום השביעי ויקראו ענו וכו'. Already a century before Sa'adya, R. Naṭronai Geon objected to this version⁹⁶. That it was Palestinian in origin, as Elbogen, p. 109, suggests, cannot be ascertained as long as no purely Palestinian texts of Ma'arib for Friday evenings are brought to light.

In the 2nd benediction preceding the Shema' (No. 10) the verse of Jer. 31³ is inserted just as in No. 8 for weekdays. The second benediction after the Shema' has the Palestinian eulogy combining the idea of a tabernacle of peace over Israel with the comforting of Zion and the rebuilding of Jerusalem. Close upon it follows the 'Amidah with no prescription of ושמרו. Also in the academy of Sura Ex. 31¹⁶⁻¹⁷ were not recited.⁹⁷ But in other synagogues of this locality as well as in other places these Biblical verses were read. Likewise Sa'adya mentions this passage followed by יראו עינינו וכו' with the eulogy המולך העולם ועד בכבודו תמיד לעולם ועד just as on the rest of the week.

The 'Amidah in No. 11 has no ויכלו and instead of אתה קדשת comes ומאהבתך being R. Ṣadok's prayer on Friday evening (Tos. Ber. III, 7).⁹⁸ R. Naṭronai also favoured this composition

⁹⁶ In 'Amram, ed. Fr. II, 7, מאן דאמר אשר כלה מעשיו טעות בידו דשאלו מקמי, רב נטרנאי מהו לומר אשר כלה מעשיו בערב שבת והשיב כך מנהג בב' ישיבות שבין בחול בין בשבת אין אומרים אלא אשר בדברו.

⁹⁷ See the responsum of Sar Shalom (ibid., 9), בישיבה ובבית רבינו אין מנהג, אלא תחת שומר עמו חותמין פורס סוכת שלום עלינו ועל [כל] עדת עמו ישראל ועל ירושלם ואין אומר אחריה כל עיקר אלא קדושה לאלתר. ובשאר כנסיות (viz. in Sura) ובשאר מקומות אומר שומר עמו ישראל לעד ואומר ושמרו בני ישראל וחותמין. אבל ברוך ה' לעולם אין אומרים לא בישיבה ולא בבכל כלהו.

⁹⁸ אמר ר' אלעזר בר צדוק אבא היה מתפלל תפלה קצרה בערבי שבתות, ומאהבתך ה' אלהינו שואבת את ישראל עסק ומחמלתך מלכנו שחמלת על בני בריתך נתת לנו ה' אלהינו את יום השביעי הגדול והקדוש הזה באהבה.

and it is also found in Sa'adya's Siddur (see Elbogen, 110 and 530, 4). After the 'Amidah comes the direction for Kīddush 'if he has wine'. There is no reference to **ויכלו** and **מגן אבות** nor to Kīddush in the Synagogue.

17. In this connection the extracts from Codex Turin 51 (given in No. 11) should be discussed for a novel point contained in them. There are Paṭṭanic insertions in the benedictions before and after the Shema', though these do not actually substitute the latter but are placed side by side. Only the second benediction after the Shma' which in week days commenced in Codex Turin with **נשכבה** (above p. 304, note 83) is entirely omitted. The reason given is that throughout the week a prayer is needed for protection from demons (**מזיקין**) and therefore the eulogy is **שומר עמו ישראל לעד** and accordingly the commencement of the benediction is **נשכבה**. But on Sabbaths and Festivals the very fact of keeping these holy days is meritorious enough to serve as a protection. The whole argument does not hold good for Palestine where the eulogy **פורס סכת שלום** was uniform for the whole week including Sabbaths (see *infra*, p. 322, note 117). Then comes the 'Amidah with **ומאהבתך** but without **ויכולו**. But an alternative custom is already mentioned of inserting **ויכולו** before **ומאהבתך**. After the 'Amidah the Reader announces 'it is time to say the Kīddush' (**עת להקדיש**) this consisting of **ויכולו** and **מגן אבות** known as the 'one benediction resembling the seven' of the 'Amidah (**ברכה אחת מעין שבע**). After this **ברכו** is recited, preceded by **יהי שם** (Ps. 112², cp. above p. 275), and then Kāddish whereby the service is concluded. We see thus the Kīddush in the synagogue, according to the rite represented in Codex Turin, was not the same as the one at home but consisted of **מגן אבות**. The writer clearly tells us that the purpose of the Reader announcing **עת להקדיש** is for strangers and also for those who do not know how to say the Kīddush. At the same time he gives the other reason for **מגן אבות** as being due to demons

Very likely the passage **ומאהבתך יי אלהינו שאהבת את ישראל עמך ומחמלתך** וכלנו שחמלת על בני ברייתך נתת לנו יי אלהינו את יום הכפרים הזה למחילת חטא ולסליחת עו ולכפרת פשע, as preserved in the German-Polish Maḥzor after the confession at **חורת השץ** of the morning, Musaf and Minḥah services of Yom Kippur, is a remnant of the Palestinian ritual.

which leads him into a contradiction (as pointed out *infra* p. 322 note 117).

That *מגן אבות* served originally as *Kiddush* is also evident from Yer. Ber. 11d bottom, where R. Yose b. Abun reports of a custom to the effect that where wine is not obtainable the Reader recites *מגן אבות* concluding with *יום ויכלו ישראל ואת יום השבת*.⁹⁹ In this passage there is no mention of *ויכלו* but the author of *Or Zarua* in citing it had the reading *ויכלו*.¹⁰⁰ It is questionable whether R. Yose reported here a Babylonian custom as the phrase *נהגין תמן* in Yer. usually denotes. It may be that R. Yose when visiting Babylon¹⁰¹ mentioned a custom of his native country and his statement was taken over verbatim in the Yerushalmi. The eulogy *יום ואת יום מקדש ישראל ואת יום השבת* is certainly not Babylonian but rather points to Palestine. The Palestinian origin of *מגן אבות* is also evident from the explanation given in Codex Turin (*infra*, p. 322) as to how this composition includes all the seven benedictions of the 'Amidah wherein we read the phrase *לפניו נעבוד ביראה ופחד*

אמר רבי יוסי בר' [Supply as in Yer. Pes 37c, bottom] *נהגין תמן במקום* ⁹⁹ שאין יין שליו צבור עובר לפני התיבה ואומר ברכה אחת מעין שבע וחיות במקדש ישראל ואת יום השבת ואשר כתבת שאודיעך סמך לאותם שונים מקידוש, ¹⁰⁰ I, 217, col. 2, and 218, col. 1, של בהכ"נ אחרי שאין יכולין לצאת באותו הקידוש ואורחין אין כאן. צר לי עליך והיטב חרה לי כי נתת את פוך להחטיאך. ותמיה אני על חכם ונבון כמך שהייתה רשאי להוציא דבר מפוך הלא ידעת כמה גאוני גאונים וקדושי עליון שבמגנצ'א ושבזרמז'א ושבשפיר'א הלא משם יצאת תורה לכל ישראל הלא נהגו מיום שנסדו כל הקהלות שברג'וס ושבכל ארץ אשכנז ומלכות שלנו נהגו אבותינו ואבות אבותינו צדיקים קדושים חכמים ועתה אתה כותב עליהם שונים... כי תקנת התנאים והאמוראים לקדש בע"ש ובעי'ט לקדש את השבת ולהעיד עליו בקידוש שיום קדוש ושיום טוב הוא, לא נתקן עיקר כלל בעבור האורחים אלא לקידוש היום ברבים נתקן (then the passage from Yer. is cited) ואומר ויכלו השמים והארץ ואומר ברכה אחת מעין [שבע] *מגן אבות וחיות במקדש השם* (this is evidently corrupt). הא למדת דוקא היכא דליכא יין היה אומר שליו צבור ויכלו אבל היכא דאיכא יין היה אומר קידוש על הכוס במקום ויכלו ואחר הקידוש ברכה אחת מעין שבע אבל ויכלו לא היה אומר ש"ץ בקול רם אלא בלחש בתפלה בלבד כמו כל יחיד שאומר בתפלה בלחש... ושוב נהגו לומר ויכלו בקול רם אע"פ דאיכא יין וקידוש על הכוס בבהיכ"נ... The whole argument turns in the recital of *ויכלו*, as if this were the whole substitute for the *Kiddush* over the cup, whereas it is missing in our text of Yer. and of course the *Kiddush* was *מגן אבות* with its conclusion *ויקדוש*. *Or Zarua* quotes another Yer. that *Kiddush* in synagogue was prescribed *בהן התינוקות*. But the whole passage is spurious. In II, §20, the above argument seems to have been abandoned.

¹⁰¹ See Halevy, *Dorot Harishonim*, III, 122.

corresponding to עושה השלום to אדון השלום and שאותך ביראה נעבוד which are clearly the Palestinian versions of these eulogies.¹⁰² ויכלו is also prescribed by R. Joshua b. Levi, a Palestinian Amora (Sabb. 119b)¹⁰³

The above data tend to show that in Palestine there was no Kīddush over a cup in the synagogue. In order to give public expression to the sanctification of the Sabbath a composition מִן אֲבוֹת was inserted to serve as a חֲזוֹת הַשָּׁ"ץ of the 'Amidah. In Babylon however they had Kīddush over the cup in the synagogue.¹⁰⁴ Only when wine was unobtainable the Palestinian custom was taken over (assuming that R. Yose b. Abun reports the practice he observed in Babylon, as is the natural meaning). Later on מִן אֲבוֹת was retained there even when Kīddush was recited over a cup and a reason had to be found for the purpose of this double sanctification to the Sabbath by the Reader. Hence the forced explanation of the former being due to the prevalence of demons.¹⁰⁵

18. To return to No. 11. The morning service for Sabbath (fols. 3 and 4) is again not purely Palestinian. We have already עוֹרֵת in the form אֲבוֹתֵינוּ אַתָּה הוּא (also preserved in *Vitry*, p. 65, bottom). The phrases מִפִּי עוֹלָלִים וְיוֹנָקִים and קִיִּים עָלֵינוּ are also found in the fragment cited by Elbogen (*Studien*, 31, bottom). Only there the eulogy צוֹר יִשְׂרָאֵל וְנוֹאֵלוֹ אֲמֵן is Palestinian whereas in our text it is Babylonian (נֹאֵל יִשְׂרָאֵל). In a Gaonic responsum the insertion of קִיִּים עָלֵינוּ is

¹⁰² The Palestinian origin is no longer recognizable in a responsum by Rashi (see *Vitry*, 83) where we read לפנינו נעבוד וגורל לשמו הרי מעין עבודה והודאה, ואדון השלום מעין שים שלום. The explanation in Codex Turin is clearly more genuine.

¹⁰³ According to one report whereas to another *Rab* (and not רבא, see ד"ס, a. l.) is the author.

¹⁰⁴ Cf. *Pes.* 100b, bottom, אומר בני אדם שקידשו בבית הכנסת אמר רב ידי יין לא יצאו ידי קידוש ויצאו ושמאל אף ידי קידוש לא יצאו וכו'. About the difficulties raised by the Geonim with regard to this Kīddush in the Synagogue, see 'Itim, 175 ff. See further the discussion by Frumkin in his edition of 'Amram, II, 23, notes 19 and 20, which however lacks a critical consideration of the sources.

¹⁰⁵ 'Amram (ed. Fr. II, 27) still designates מִן אֲבוֹת as Kīddush והא קדושתא דחקינו רבנן משום סכנה דבי שמשא דשכיחי מוקין וכו'.

strongly opposed to with the remark that it was not recited in both academies.¹⁰⁶

Nos. 12 and 13 are again clearly Palestinian. Where fol. 1 of No. 12 begins there seems to be indicated the conclusion of the 'Amidah of Friday evening, viz, Ps. 19¹⁵ and the doxology of Neh. 9^{6-8a} (as we found the case with regard to the other 'Amidahs). But it may be that these two items concluded a section that was recited by the worshipper at home. Hence the subsequent prescription "and when he came (i. e. arrived at the synagogue), he should read the Zemirot, viz. יהי כבוד then יהודי" (evidently this lectionary was already arranged) and finally Ps. 91, appropriate for the Sabbath. This is followed by the Ten Commandments and the by Song of Moses (see above, pp. 281ff.).

In the Yoşer service המאיר לארץ is substituted by the alphabetical composition 'אשר ברוב וכו' (but אור עולם is omitted). The second benediction preceding the Shema' consists only of the short sentence גפן ממזרים וכו'. After ואין עוד אלהים זולתך there comes an insertion יודעים בנים כוח אביהם instead of the Paitānic composition in תשועה שלמה וכו' beginning with תשר"ק. About the ending רגלי מבשר, see above p. 311. The 'Amidah is not given as it was to be found in the section dealing with the Ma'arib service of Sabbath (not preserved in our text).

19. There is no indication as to reading of the law or to Musaph. As for Minhah, the only direction given is that at Minhah also the 'Amidah of seven benedictions be recited. Was there any difference as to the wordings of the 'Amidahs of Ma'arib שחרית and Minhah, viz, with regard to the beginning of the fourth benediction, as there is in the customary rituals? Such a difference we noticed in No. 10 where ומאהבתך was given for Friday evening and ישמח משה for Sabbath morning.

In Minhah the 4th benediction begins, as is well-known, with אהר אחר while another version commenced with הנה לנו ('Amram, ed. Fr., II, 100-1). Codex Turin (p. 140 of copy)

¹⁰⁶ *Geon*, II, 91. יש שמאריכין בנאולה של אמת ויצב ואומ' יקים עלינו יי אלהינו מלכותו. גדלו ותפארתו ומאריך הרבה... כך ראינו שאי אפשר לומר כן... לכן לא מתרצי למימר וכל שכן שא' (=שאנו) בבתי ישיבות ובבית אין אנו אומ' אילא יי ימלך לעולם ועד. Cp. Dr. Ginzberg's remarks, *ibid.*, p. 89.

prescribed the former for the 'silent' 'Amidah and the latter for the repetition by the Reader. In this connection there is cited there a Gaonic responsum to the effect that the eulogy of the last benediction of the 'Amidah at Minhah should be עושה השלום and not המברך את עמו ישראל בשלום since there is no ברכת כהנים on this occasion.¹⁰⁷

Our fragment furnishes no information whatever as to the reading of the Law at Minhah on Sabbath. The customary practice is to say וּבֹא לְצִיּוֹן and אֲשֶׁרִי and then to read the section from the Scroll. This was the Minhag of Pumbedita but in Sura and in the whole of Babylon the order was reversed. This we learn from a fragment of a Gaonic responsum preserved in the Genizah.¹⁰⁸ No mention is made there of ואני הפלתי (Ps. 69⁴⁴) recited immediately after the Kaddish following וּבֹא לְצִיּוֹן. 'Amram also does not mention it (I, 30a, but MS. Bodl. in Marx, 14, bottom, includes this verse). In view of this it is remarkable that 'Amram should give in his Siddur (I, 30a; ed. Fr., I, 100; Mx., p. 14) the order practiced in Pumbedita as against that of his school. Should we say that the practice of Sura as well as of the whole of Babylon made way for that of Pumbedita some time after the writing of this responsum or has the text of the Siddur been changed later on accordingly?

20. We come now to Ma'arib of Saturday night (מוצ"ש).

ומצינו בתשובות הגאונים שאין אומרים אוא"א ברכנו בברכה בתפלת מנחה מפני שאין ¹⁰⁷ הכהנים עולים לרובן בעונתה שלמנחה, ולפיכך אין חותמין בה המברך את עמו ישראל בשלום. וכן כל זמן שמחפלת היחיד אין אומ' ברכת כהנים אלא שים שלום בלבד וחותם עושה השלום. It is doubtful whether from ולפיכך this responsum continued or it is the argument of the author of the Codex. It should be noted that 'Amram (ed. Fr., I, 375, and Marx, p. 11) has for Minhah but the ordinary edition has עושה [ה]שלום (cp. Elbogen, p. 59).

¹⁰⁸ This responsum clearly emanates from a Gaon of Sura. T—S, one leaf, damaged, reads, (v, l. 6) כולה [ובכ]בל כולה (v, l. 6) במנחה בשבת שני מנהגין יש בישיבה שלנו [ובכ]בל כולה (v, l. 6) במנחה בשבת שני מנהגין יש בישיבה שלנו (the dots above indicate that these two words should be deleted) וקורין בתורה ואחרי כן אשירי ובא [לציון] וק'ר'ר'ים' ב'ת'ר'ר'ה' ובשיבה פום בריאת [קורין] כולה סידורא (viz. לציין. וקורין) ומקדשין ואומ' עד עושה [ש]לום (i. e. end of Kaddish) וקורין בתורה ומקדשין בתפלה (l. 11) ... שקורין את המגלה בין ביום בין בלילה (l. 12) ... ין וכולה סידורא וכן מנהג שהי ישיבות.

The next responsum has the heading בר הילאי [נ]ר'וני and begins [בש]מע והלל ומגילה אם פסק באמצע הפסוק וכו' Perhaps the previous responsum emanates from Naṭronai's predecessor, Sar Shalom Gaon.

was no doubt recited (see above, p. 304). Then there followed (evidently intended for recital after the 'Amidah) **החנונים** and a short confession of sins (as described above, pp. 281 and 299) concluded by the doxology **יהללך**. That our fragment deals with the service of **מוצ"ש** is evident from the following items. After the doxology come Ps. 121, the Mishnah Ber. I, 5, **ברוך א'נו** (the original of **אין כאלהינו**) and finally **ויהי נועם** and **יושב בסתר** (Ps. 91). The last item makes it clear that our text represents a portion of Ma'arib of Saturday Night. **ויהי נועם** is already mentioned in 'Amram immediately after the 'Amidah but in our text it comes quite at the conclusion of the service. No mention is made of **ובא לציון** in this connection. Ber. I, 5 is prescribed in *Vitry*, (p. 80) for Ma'arib on week-days after the 'Amidah. Interesting is the insertion of the hymn **ברוך א'נו** the original of the customary **אין כאלהינו**. R. Yehuda b. Yaḥar in his commentary on the prayers (*J. Q. R.* iv, 252) gives a reason for intoning **אין כאלהינו** on **מוצ"ש**.¹¹⁰ We now find it in the Palestinian ritual.¹¹¹

The remaining part of No. 13 (fol. 3) gives the beginning of **ה' שחרית** which was considered above, p. 276, in connection with the description of this service according to the ritual of the Holy Land.

FRAGMENT, No. 10

(T.—S. 6 H 8², 2 paper leaves).

(fol. 1, r.) **אמן שמע... לעולם ועד אלי אמת ויציב ונכון וקים וישר אלי** **אכרהא חשועה שלמה וכו'** (as above, p. 294) **שירה בגולה ברנה בשמחה רבה מי כמוך... פלא (v.) וכראו עמך את גבורתך האמינו בך ובמשה עבדך זה צור ישענו:**

לפי שיום שבת היא ככלה שנשאת בשבת שאם ינחזה בני החופה מוצאי שבת תהיה לה עגמת נפש ולפיכך אנו אומרים מי כאלהינו וגו'.

Schechter cites (*ibid*, p. 253, note 1, end) a MS. British Museum wherein this hymn and **הקטרת פטום** form a part of the service for the conclusion of the Sabbath. It should be added that *Vitry* (p. 79) has **הקטרת פטום** for Ma'arib on week days. But no text known to me mentions **אין כאלהינו** for any other Ma'arib except on Saturday night. Elbogen's statement (p. 106) should therefore be modified as regards this point to refer only to the conclusion of the Sabbath.

¹¹¹ Dr. Abrahams (*J. Q. R.*, XIII, 60) seems to have copied the version **ברוך א'נו וכו'** from our fragment.

רגלי מבשר על ההרים תדלגנה אומר לציון מלך אלהיך בא"י צור ישראל וגואלו
י"י שפתי תפתח אלי אכרהא:

צלאה אלסבת שיר למעלות אשא... שומריך (fol. 2, v., gap between
fols. 1 and 2) צבאם... לעשות אלמעריב. בא"י אמ"ה אשר בד [ברון] מעריב
ערבים. לך י"י הגדולה. לשמך תמניד [ארוממה ואגדלה. מרומם על כל ברכה
ותהלה. לך יום אף לך לילה. בא"י המעריב ערבים:

לך י"י החסד. נוצר לאלפים חסד. משוך ליודעך חסד. ואהבת עולם אהבתיך.
על כן משכתיך חסד. בא"י אוהב את עמו [ישראל] אמן:

שמע ישראל... אחד אלי אכרה. אמת אמונה אלי אכרה. לך זרוע עם גבורה.
מרומם בתפארה. צרינו [במזכת בכורים שבורה (here the MS breaks off).

FRAGMENT, No. 11.

(T.—S. 8 H 23¹⁰, four paper leaves, square writing, torn and faded).
(fol. 1, r.) עשה פלא. לך י"י הממלכה. אדיר המלוכה. מלך על זרע
הממלכה. כנמו עוללים ויונקים לי"י המלוכה. זה צור ישעינו פצו פה ואמרו י"י
מלכינו. מלך אבותינו. י"י מלך... לעולם ועד. לך אובח זבח תודה. זכינו לתורה
ולתעודה. מנוע ישי נצר העמידה. בימיו תישע יהודה. בא"י גאל ישראל אמן.
לך שמים אך לך ארץ. תגל במלכך הארץ. ישמחו השמים ותגל הארץ. ותפרוס
שלומך על קרואי חיפץ ארץ. בא"י פורס סוכת שלום עלינו ועל כל עמו ישראל
מנחם ציון ובונה ברחמיו [ורו] שלים אמן.

צלוה. י"י [שפתי]... הגדול (v.) הגבור... גואל לבני בניהם. מלך רחמן
מושיע ומנן בא"י מנן אברהם... רב להושיע. מכלכל... האל הקדוש. ומאהבתך י"י
אלהינו את ישראל עמך ומחמלתך מלכנו שהמלת על בני ברייתך נתתה לנו י"י אלהינו
את יום השביעי הגדול והקדוש הזה לאהבה למנוחה לעבודה ולהודאה ולתת לנו
(fol. 2, r.) ברכה ושלום מאתך אוא"א רצה נא... שבתות קדשך בא"י מקדש השבת
רצה... והשב עבודה לדביר ביתך ואשי ישראל ותפלתם מהרה (תקבל supply)
ותהא לרצון תמיד עבודת ישראל עמך בא"י שאותך ביראה נעבוד.

מודים אנחנו לך אתה הוא י"י אלהינו על חיינו... ועל נסידך וטובך שבכל (עת
supply) עמנו ערב ובקר ועל כולם... סלה חי העולמים באמת ב[וא"י] הטוב לך
להודות.

שים שלום טובה... ורחמים על ישראל עמך (verso) וברכנו כולנו כאחד
ממאור פניך כי ממאור (פניך supply) נתתה לנו י"י אלהינו תורה וחיים אהבה
וחסד וצדקה ורחמים ברכה ושלום וטוב בעיניך לברך את עמך ישראל בשלום
בא"י המברך את עמו ישראל בשלום יהיו לרצון... וגואלי. אלקדוס. אן כאן לה
[אלשראב] מלא כוס יין ויברך בא"י... בורא פרי הגפן. ויכולו... לעשות בא"י וכו'.
The benediction בורא פרי הגפן is written between the lines evidently
being a later insertion. Hence it was perhaps meant to be
recited after ויכולו. There is a gap between fols. 2 and 3.

Fol. 3, r., begins the *אחרונים*... וזלתיך. ועזר את אבותינו ואתה הוא מעולם מגן ומושיע לבניהם אחריהם בכל דור ודור. אמת אשרי איש... כל בכורי מצרים בדבר הרגת ובהם ובאלהיהם שפטים עשית על אודות שבטי עמך ישר' נחלתיך ים סוף קרעתה לפני בניך ותעבירם בתוכו באהבה] (verso) בחרבה ואת כל רודפי בניך וצוררי נחלתיך הבאים אחריהם כולם כסמו ים עד אחד מהם לא נותר. ועל זאת שבחו... שועם אליו תהלת עליון ענו ואמרו כולם בגילה ברנה בשמחה רבה: מי כמכה... פלא. מפי עוללים ויונקים שירה שמעתה על הים יחד כולם המליכו ואמרו: יי מלכנו. מלך אבותינו. שמך עלינו. חי וקיים י' מלך... ועד: קיים עלינו יי אלהים (fol. 4, r.) כבודו גדלו ותפארתו קדושתו וקדושת שמו הגדול הוא יי אלהינו יחוס יחמול ירחם עלינו ירויה לנו מצרותינו ויגאלנו גאולה שלימה וימלוך עלינו מהרה לעולם ועד באי גאל ישראל אמן. יי שפתי וכו' ישמח משה... בראשו נתתה לו בעמידתו לפניך על הר סיני שני לוחות הוריד בידו וכתוב בהם שמירת שבת וכן [כתוב] בתו' ושמרו... ואת הארץ]. There the MS. breaks off.

FRAGMENT, No. 11a.

(Extracts from Codex Turin 51 concerning Ma'arib of Sabbaths). (p. 96 of copy) ובערב שבת הולכין לבתי כנסיות ואומ' תהילה. ומתפללין מנחה כשאר ימי השבוע. ומתפללין מעריב ואין אומ' והוא רחום. ופותח ש"צ ברכו כולו... עד תמיד הוא ימלוך עלינו לעולם ועד. את שבת קודשך. הנחתה לעם מקדישך. בשיכון נדרשך. דוד מעריב ערב נקדישך. באי המעריב ערבים אהבת עולם עד ובהם נהגה יומם ולילה. באות בנינו ובינך. תופשינו במחנך. ותעז ימינך. ואוהבינו למענך. באי אוהב עמו ישראל. וקורא קרית שמע. אמת ואמונה עד וראו בני את גבורתו. גבולי שים הנחה. בהשקט ובטחה. צרינו שית כמכת בכורים וכסוחה. וכעברנים שיר לך נשיחה. בגילה ברינה בשמחה רבה ואמרו כולם. מי כמוכה... עושה פלא. דועכו מפריכים. הוצלו פרוכים. ולעש¹¹² ים דרכים. זמרו רבים¹¹³. זה צור ישעינו פצו פה ואמרו יי ימלוך לעולם ועד. העת יגבר. המוליק עמו במדבר. ויגיע כמדובר. ויגאלנו שלעבר¹¹⁴ באי גאל ישראל.

וכס בחסד יכון. ועמו בתוכו ישכון. ובטח נשכון. ונתלון בשלום מכן¹¹⁵. באי פורש סוכת שלם... ירושלם ושמרו... וינפש. ובלילות של חול חתומין ב' שומר עמו ישראל לעד מפני שצריכין שמירה מן המויקין. וכל הברכות צריך לחתום מעין

¹¹² Paṭṭanic for *לעשה*.

¹¹³ In the MS. copy רבים but the rhyme demands *young ones* (רכים) (בשנים).

¹¹⁴ Read *שלעבר* 'as in the past'.

¹¹⁵ מכון לשבתך, Ex. 15¹⁷, i. e. the Temple.

פתיחתן ומעין דברי ענייניהן לפי כשאומרים נשכבה בחסדך ומבקשים רחמים שלא ימשול בהם פחד המזיקין בלילות לפיכך חותמין שומר עמו. אבל בלילי שבתות וימים טובים שאין צריכין כל כך מפני שחיבת שמירת שבתות וימים טובים שומרת עליהן לפיכך חותמין פורס סוכת שלום. וקדיש עד לעילה ומתפללין בלחש מגן מחיה האל הקדוש. ומאהבתך שאהבת... הזה לקדושה למנוחה לעבודה ולהודאה לתת לנו ברכה ושלוש מאתך. ואו"א רצה (p. 97).... מקדש השבת. ויש שמתחילין ויכולו אחרי האל הקדוש כשמתפללין בלחש ואומ' ויכולו כולו עד אשר ברא אלהים לעשות. ומאהבתך כולו עד מקדש השבת. רצה ד' אלהינו כולו. מודים אנחנו לך כולו. שים שלום כולו וחותרם בא' עושה השלום. יהיו לרצון... ולאחר שהתפלל תפילה בלחש פותח ש"צ ואומ' עת להקדיש. ויכולו... לעשות. בא"י... אל עליון קונה שמים וארץ מגן אבות... מקדש השבת. יהי שם 116 ברכו. וקדיש כולו.

(p. 99) ויחיד שטעה בתפילתו ולא התפלל ומאהבתך כיון ששמע מפי ש"ץ מגן אבות בדבריו שהיא מעין שבע ברכות מתחילה ועד סוף יצא ידי חובתו. וכיצד מעין שבע ברכות. פירוש מגן אבות בדבריו כנגד מגן אברהם... לפניו נעבוד ביראה ופחד כנגד שאתך ביראה נעבוד... אדון השלום כנגד עושה השלום.

Then follows the usual explanation of מגן אבות having been instituted for late comers and in order that they should not remain by themselves and have to leave alone (מפני המזיקין).¹¹⁷

ולמה פותח ש"ץ עת להקדיש ואומ' ויכולו כולו וכולל תפילה זו ומסיים בה מקדש השבת כדי להוציא ידי חובתן מידי קידוש לאורחים שבבית הכנסת ושאין יודעין לקדש ושומעין מפי ש"ץ ויוצאין ידי חובתן. ומאחר שאין יודעין לקדש שומעין ופטורין מידי קידוש ולמה חזרין ומקדשין על השלחן כדי להוציא (p. 100) אדם בניו ובני ביתו ידי חובתם... (p. 103) זה הוא קידוש של לילי שבתות. נוטלין של יין ואומ' עת להקדיש ויכולו וכו' (as in the customary version).

FRAGMENT, No. 12.

(Cambridge University Library Collection, Liturgy, marked 9, six vellum leaves, brownish ink, vocalized).

¹¹⁶ i. e. Ps. 112^a

¹¹⁷ See Rashi to Sabbath 24b (ד"ה משום סכנה). This explanation goes back to R. Naṭronai (see *Mahzor Vitry*, p. 82, 105) according to whom the demons were given a free hand on Sabbath eves (see also 'Itim, p. 173 top). On the other hand our author expressed before the opinion that the Sabbath itself was a kind of protection against demons and therefore the benediction לעד ישראל שומר עמו was omitted. A similar view is to be found in a Midrash quoted by several authorities (see 'Itim p. 173, note 13). This shows to what difficulties they were reduced in explaining the origin of מגן אבות. The reason for the omission of שומר falls away altogether in the Palestinian rite since throughout the week the ending was שלום הפורס.

(fol. 1, r.) אמרי פי והגיון לבי לפניך יי צורי וגואלי: ויקול אתה הוא יי לברך כולה: ואדא גא יקרא אלמזאמר בלגדאה ויקול יהי כבוד. הודו ליי קראו בשמו כוליה. ומזמור שיר ליום השבת כולה: תם יקול אלעשר דברות ויקרא משה... ויתנם אלי (Dt. 5¹⁻¹⁹).

(fol. 3, r.) תם יקול ויושע יי כולה פאדא פרג יקול אל יוצר בא"י... ובורא הכל אשר ברוב חכמה גדולה דרש הכין והתקין זיו חמתו טפחה ימינו כוכבי לבנה מאור נירו סך עולמו פועלי צדקו קרובי רחמיו שיר תשבחות שוררו למלכם ככתוב קומי אורי כי בא אורך וכבוד יי עליך זרח בא"י יוצר המאורות. גפן ממצרים העלה אלהינו ויגרש גוים ויטעיה מים מסיני השקה אותם ונחלים מחורב בא"י אוהב את ישראל אמן.

שמע אמת ויצבי כולה אלא ואין עוד (fol. 4, r.) אלהים זולתך: יודעים בנים כוח אביהם על כן מצפים לישועתו כוחו הודיע בתוך ארץ מצרים ופרע מהם בעשר מכות ועל זאת שיבחו אהובים לאל ונתנו שיר חמרה למלך אל רם ונישא חי וקיים משפיל גאים אמרו כולם בגילה ברנה בשמחה רבה. מי כמוכה... פלא: מי כמוך ומי יעשה כמעשיך ומגדיל ישועות ועושה נפלאות זה צור ואין דומה לך זה צור ישענו פצו פה ואמרו יי מלכינו מלך חי וקיים שמך עלינו (verso) יי מלך... ועד. רגלי מבשר על ההרים תדלגנה ויאמר לציון מלך אלהיך בא"י צור ישראל וגואלו: תם יצלי שבע ברכות אלתו היא צלח אלסבת כמא כתבנא. ואדא כאן פי מנחה יום אלסבת יצלי איצא שבע ברכות:

ואדא כרגת אלסבת צלא צלח אלחול שמונה עשרה: וידכר אלקצה אלהבדלה פי חונן הדעת ויבדיל ויקול אתה הבדלתה בין קודש לחול בין האור לחשך בין הטמא (fol. 5, r.) לטהור בין הים לחרבה בין מים העליונים למים התחתונים כן יי אלהינו החל עלינו ששת ימי המעשה הבאים לקראתנו בשלום חסוכים מכל חטא ומוצלים מכל דבר עון ומדובקים בתלמוד תורתך וחנונים דיעה והשכל חכמה ובינה מאתך וחנותי את אשר אחון וריחמתי את אשר ארחם בא"י חונן הדעת: ואדא פרג מן אלצלחה יבדל עלי אלסראג פאן כאן אלשראב יברך עליה בא"י... בורא פרי (v.) הגפן בא"י... מאורי האש. בא"י אלהינו מלך העולם אשר בעוז הבדיל בין קודש לחול. בתתו בתוך בדל מים ממים. גבול רחב הבדיל מגבול רחבת. דברו להבדיל נהרה מעממה. השריץ והעיף הזחיל והרמיט התוח והבדיל טהור מטמא. זה יום אות נחת. חשקו לנחלה לעם ברולי מעממים. טוב לנו החל ששת הימים הבאים. יראי כל חטא דבקי כל צדק. כמיהי (fol. 6, r.) לנו עצת רע יופרו מעצתם. כורתי לנו ברית ועצת טוב יפרו וירבו בעצתם. לנו תשמע ששך ולנו יאתיו משוש ושמחה גיל ורנה וחיים ושלומי. ממעל עליון. חול בית עליון. נצח תן עליון. לעם תתה עליון. ככתוב ולתתך עליון... דבר (Dt. 26¹⁹) ונאמר והייתם לי קדושים כי קדוש אני יי ואבדל אחכם מן העמים להיות לי (Lev. 26¹⁹) בא"י המבדיל בין קדש לחול:

אויא החל עלינו את (verso) ששת ימי המעשה הבאים לקראתנו בשלום חסוכים

מכל חטא ומוצלים מכל פשע ועון וחוננים דיעה והשכל מאתך והשמיענו בהם ששון
ושמחה ועל מה שחטאנו כפר לנו לא נבוש בעולם הזה ולא נכלם בעולם הבא
ונזכה ונחיה להיות מחלקך ומנחלתך ומסגולתך ומחפצי לעשות רצונך. או"א לא
תעלה שנאתנו על לב אדם ולא שנאת אדם תעלה על לבינו. או"א לא תעלה
קנאתנו על לב אדם ולא קנאת אדם תעלה על לבינו. וכל היועץ עלינו עצה
(here the MS breaks off).

FRAGMENT No. 13.

(Cambridge, Add. 3160, no. 5, four paper leaves).

(fol. 1, v.) שמו קדוש ישראל ב'א' י"י צור ישראל וגואלו: השכיבנו לשלום
י"י א'ינו והעמידנו מלכנו לשלום ופרסם עלינו סוכת שלומך מזה היום ועד העולם
ככתוב בתורתך ונתתי שלום בארץ ושכבתם ואין מחירך והשכתי חיה רעה מן הארץ
וחרב לא תעבר בארצכם ונ' אם תשכב לא תפחד ושכבתה וערבה שנתך: אני
שכבתי ואישנה הקיצותי כי י"י יסמכני: ונ' בשלום יחדו אשכבה ואישן כי אתה י"י
לבדך לבטח תושיבני ונ' באדם נעשה חיל והוא יבוס צרינו נשכבה לשלום ונקיצה
לשלום ופחד בלילות בל ימשל בנו ב'א' י"י פורס סוכת שלום עלינו ועל עמו ישראל
נחם ציון ובונה ירושלים:

אל רחום שמך אל חנון שמך אל ארך אפים שמך: מלא רחמים רבים שמך
ועלינו נקרא שמך ומוחל וסולח שמך: י"י עשה עמנו צדקה למען שמך רחם על
עירך על עמך על עבדך על ארצך על מקדשך ע' נחלתך ע' מובחך ע' מעונך:
שלח פדותנו מעימך חוס ברחמיך הרבים ורחם עלינו והושיענו למען שמך הגדול
הקדוש והנורא חוסה י"י על ישראל עמך ואל תתן נחלתך לחרפה למשל בם גוים
למה יאמרו בעמים איה אלה': שמע ישראל י"י א'ינו וגומ' אחד א'ינו גדול אדונינו
קדוש ונורא שמו לעולם ועד זכור נא מלך ברית אבות ורחם על שאיריתנו יהי שם
י"י מבורך ונ' למען שמך י"י עשה וידעו כל עמי הארץ כי אתה י"י לבדך יהללוך
י"י א'ינו כל מעשיך וחסידיך יודו ויברכו שמך על שירי דויד בן ישי עבדך יתרום
שמך ויתעלה זכרך לנצח נצחים ותתפאר מלכותך לדורי דורות ב'א' י"י האל המלך
המהולל המשובח המפואר המרומם המעולה המהודר המבורך בפי עליונים ותחתונים
ובפי כל הנשמות אל מלך נאמן חי וקיים שמך וזכרך ומלכותך תמיד נצח לעולם
ועד אמן:

שיר למעלות אשא עיני... (fol. 2, r.)... מעתה ועד עולם (Ps. 121). בידך
אפקיד רוחי פדיתה אותי י"י אל אמת. מזכירין יציאת מצרים בלילות אמר ר' אלעזר
בן עזריה הרי אני כבן שבעים שנה ולא זכיתי... כל ימי חיך בימים כל ימי חיך
בלילות כל ימי חיך לעולם הבא כל ימי חיך להביא עד ימות המשיח חנניה בן
עקשיה אומר רצה המקום בר' הוא... יגדיל תורה ויאדיר (fol. 2, v.) ברוך י"י
לעולם א' וא' ימלך י"י לע' אמן וא'.

ברוך א'נו	ב' אדונינו	ב' מלכינו	ב' מושיע'
מי כא'	מ' כא'	מ' כמ'	מ' כמ'

א' כמ'	א' כמ'	א' כא'	אין כא'
נו' למ'	נו' למ'	נ' לא'	נודה לא'
נב' למ'	נב' למ'	נב' לא'	נברך לא'

אתה תקום תרחם ציון כי עת לחננה כי בא מועד ויהי נועם... כוננהו. יושב בסתר עליון וגומ' דמזמורה. אך צדיקים יודו לשמך ישבו ישרים את פניך: כי כל העמים... לעולם ועד. כד בעי למפוק יאמר אלין פסוקי וכד בעי למכנש יאמר דין פסוק אשרי יושבי ביתיך עוד יהללוך סלה ויתב ליה (fol. 3, r.) תפלת השחר בא"י אמ"ה האל המלך המהולל בפי עמו ומשובח בלשון חסידיו ובשירי דויד עבדך נהללך ובשבח זמירות נשבחך נפאריך נרוממך יחד סלה מלכינו בא"י מלך מהולל נהללך. There follows a lectionary of verses beginning with עלינו and ending with י"י. Then we have ending with עד עולמי עד תמלוך בכבוד.

מזבח אדמה... וברכתך: אתה הוא י"י לבדך... משתחוים: ויברך דוד... לשם תפארתך: אלו פינו מלא שירה כיס... מחלאים. (here the MS breaks off).

VII. HOLY DAYS AND FESTIVALS.

21. The Palestinian 'Amidahs for these days have been discussed by Elbogen with the help of new Genizah material.¹¹⁸ Here a number of additional fragments are given (Nos. 14-17) which supplement this material. Of special interest is No. 14 being the Musaph of New Year the beginning of which has preserved in Bodl. 2721¹¹⁹ as the end of the 'Amidah of Yom Kippur¹²⁰ Our text begins in the middle of ובכן תן פחדך and concludes the third benediction with the eulogy והמל' הק' הקדוש אדיר-אדניר המל' והמל' הק' The other Palestinian fragments have המלוכה והמלך הקדוש (59c). Here we have a compromise between the Palestinian

¹¹⁸ *M. G. W. J.* LV, 426-46, 589-99. See further *Gottesdienst*, 132 ff, 140 ff.

¹¹⁹ *M. G. W. J.* l. c., 594-97. The whole 'Amidah for Yom Kippur was recited as indicated on p. 594, ll. 13 ff, רצה אלי לעשות רצונך, i. e. up to the Palestinian יהי' at the end of the 'Amidah containing the phrase ולעשות רצונך (above p. 298). The prayer should not be concluded by יהיו לרצון and by withdrawing 3 steps but the worshipper should remain in his bowed position and begin a new section of תן פחדך. It seems that the whole fragment deals with the silent prayer. The worshipper thus left out תן פחדך at the third benediction, preserving it for the end as an introduction to the וידוי (see *infra*, p. 327).

¹²⁰ The fragment in *M. G. W. J.* l. c. 442, top, has for Musaf of Yom Kippur only האל הקדוש.

custom and the Babylonian which had for the 10 penitential days only **המלך הקדוש**. This compromise we find also in the Persian rite (*J. Q. R.*, X, 615). Then comes **אתה בחרת** and it is not indicated how far it extended, but probably it reached till **אוא"א גלה** (see *M. G. W. J.*, I. c. 441, l. 13).

Now as to the version of **זכרונות, מלכיות** and **שופרות** (=I, II, III), I is introduced by **עלינו לשבח**. In the order and grouping of the 10 Biblical verses incorporated in each section there is no uniformity. Whereas our text adheres to the grouping of 3 Pentateuch verses first, then 3 verses from the Hagiographa, followed by 3 from the Prophets and concluded by a tenth verse from the Pentateuch, as found in 'Amram and in Sa'adya's Siddur (see ed. Fr. II, 286-7, notes, and 304), in a Palestinian liturgy,¹²¹ published by Dr. Davidson (*J. Q. R. N. S.* VIII, 431 ff), the verses are distributed in such a manner as to form three parts each consisting of a verse from the Pentateuch, another from the Prophets and a third from the Hagiographa. But this redistribution may have been due to the Paiṭanic compositions, just as is the case with those of Yose b. Yose, and may not have effected the silent 'Amidah. The eulogy concluding **אדיר המלוכה מלך כל הארץ** read in the Palestinian rite **מקדש ישראל וראשי שנים ומחדש שנים ומועדי שמחה הזמנים ומקראי קודש**. The usual eulogy for the fourth benediction of the 'Amidah of New Year begun only with **מקדש ישראל** with the insertion of **זכרון תרועה** after **ומחדש שנים** (No. 17 and *M. G. W. J.*, I. c., 435, top). Of course, in Musaf **זכרון תרועה** was left out as it referred to **שופרות**, whereas **אדיר המלוכה מלך כל הארץ** was an adequate **חתימה** for the section dealing with God's royalty.

II. There is the whole introduction **אתה זוכר** known as **זה היום תחלה מעשיך... להזכירם לחיים**. The passage **תקיעתא דבי רב** is already cited in Yerusahalmi (see Elbogen, 143). The eulogy is **זוכר בריה אבות לבנים**. But in the liturgy, published by Dr. Davidson, it is **זוכר הברית**, as in the other rites.

III. In **אתה נגלית** there is a prose insertion beginning with **זכרון** and leading up to the revelation on Sinai. Our text

¹²¹ The Palestinian feature of this liturgy is evident from the eulogy **אדיר המלוכה מלך ישראל** (ibid p. 440), though it is somewhat different from our text; see farther on.

breaks off in the middle and the eulogy for this section is not preserved.

22. In No. 15 the Ma'arib of Yom Kippur is given. There is no indication of כל נדרי. The service began with Ps. 130, quite appropriate for the occasion, followed by Ps. 103²—end, also dealing with forgiveness of sins. Both are prescribed in Soferim 19² in reversed order. Then comes Ma'arib in the usual manner. In the 'Amidah the eulogy of the third benediction is האל הקדוש as in the case also in the Musaf (above p. 325, note 120). It is evident that only on New Year's day did it read אדיר האל הקדוש המלוכה האל הקדוש. One may go further and infer from this that the whole section תן פחדך dealing with God's sovereignty was omitted on Yom Kippur and hence the corresponding conclusion אדיר המלוכה was left out. Only at the end of the 'Amidah before תן פחדך the וידוי was introduced by this section of ר"ה מלכות of the Musaf of ר"ה. But the eulogy of the latter was again the same as that of the fourth benediction of the 'Amidah of Yom Kippur, viz. מקדש ישראל ויום צום הכפורים וכו' (see above p. 325, note 119). It is somewhat strange that this eulogy should be repeated twice in the prayer. No 15 mentions אלוידי immediately after this eulogy recited the first time. It evidently deals with חזרת הש"ץ.

No. 16 seems also to be a portion of the Ma'arib service of Yom Kippur beginning with Ps. 103 and 130 (as in Soferim). In the 'Amidah there is an insertion beginning with אנה סלה. It is not indicated whether it is only the repetition of the reader.

Another portion of the Ma'arib service for Yom Kippur has recently been published by Dr. Abrahams in vol. I. of this *Annual* (pp. 384–5), without an attempt at analysis of its nature. Where fol. 2 begins (there is an evident gap between fols. 1 and 2 of the fragment) we have the indication of Ps. 135 followed by the usual doxology יהללך. This is apparently the end of the service for one of the Festivals. Then comes the heading Ma'arib without any further qualification. However the contents of the service leave no doubt that it is for the Day

of Atonement. We have Païtanic insertions before each section which precede the 'Amidah, thus before **זו צור ישראל** [פצו פה ואמרין] **בנילה ברנה בשמחה רבה, אוהב את ישראל, המעריב ערבים ב.א' י"י מנחם ציון ובונה ירושלם** [and **צור יש' [וגואלן]**]. Then the copyist states that he found regulations of the Palestinian rite prescribing the confession **אנא סלח נא וכו'** after the benediction **וגרת (וגרת. r.)** instead of **אתה בחרת** (l. 11ff. from bottom: **רסום אלשאם אן יקולו מוצע [אתה]** **בחרת הדא אליודי, בעד האל הקדוש אנא סלח וכו'**). Now this whole passage is also found in our text (No. 16) but after **אתה בחרת**. There is apparently a variation of custom.

More important is fol. 1 of the fragment published by Dr. Abrahams. At the commencement we have a Païtanic insertion or modification of the section preceding the 'Amidah, viz. that concluding with the benediction **וצור ישראל וגואלו**. This is apparently for the **שרית** service. We have then the following interesting rubric with regard to the "Confession" of Yom Kippur. **וה[נדא] ונ[דן] פי אצול אלשאמין וסדוראתהם אלקדם** **יסמונה וידוי שלצום כיפור, ומתלה ללעראק יסיר בניהמא מן כלף יסמונה ארבעה פרקים שלודיים שלכפור והדא הו יגב יתחפץ בה**. The writer found among the early rules and Siddurim of the Palestinians a confession called **ידוי שלצום כיפור** and likewise among those of the Babylonians one called 'the four chapters of the confessions of (Yom) Kippur'. There were differences between the two versions. The one he gives is recommended by him to be adopted (for **יתחפץ** evidently **יתחפט** should be read; such interchanges of **ץ** and **ט** occur occasionally in Jewish Arabic). In our text there seem to be four sections beginning respectively with **ועידותיך, אתה יודע** and **ואתה אלהינו חנון ורחום** and **נתת לנו**.

23. In No. 17 we have the conclusion of the New Year's 'Amidah and then the Ma'arib for Tabernacles leaving out the service for the Day of Atonement. It seems that the Ma'arib of every festival began with Ps. 92. Then followed the appropriate Psalm for the corresponding feast, the one for Tabernacles being Ps. 122. Then comes the Palestinian benediction for the reading of the Shema' followed by the usual Ma'arib and finally the 'Amidah. Soferim (19²) prescribed for Tabernacles

not Ps. 122 but 76 because verse 3 refers to a tabernacle.¹²² A liturgical scroll in vellum (T—S. 18 H 2) gives the Pss. for the various festivals, these being for Passover (? or for 7th day of it because there is a lacuna in the MS. which may have read פסח (מזמורה דו' הלל הגדול (Ps. 136), for Pentecost Ps. 29, for New Year Ps. 47, for Yom Kippur Ps. 130, for Tabernacles Ps. 112 (it is difficult to see its connection with the festival) and finally for Shemini 'Aṣeret Ps. 113. The first three items agree with Soferim (18²⁻³, 19²). For Yom Kippur Soferim has in addition Ps. 103 whereas for Tabernacles and Shemini 'Aṣeret Pss. 76 and 6 respectively are prescribed with the addition that he who is not familiar with them should recite instead Ps. 111.¹²³ We see thus a divergence in custom.

FRAGMENT, No. 14.

(Cambridge Add. 3160, no. 10, five vellum leaves faded).

(as in *M.G.W.J.*, LV, 595, l. 14 ff) כעשן חכלה... (fol. 1, recto)

בא"י אדיר המלך והמל' הק'

אתה בחרתה עלינו לשבח וכו' (v.) על כן נקוה... שתעביר גלולים מן הארץ וכל האלילים כרות יכרתו לחקן עולם... עולמי עד תמלוך בכבוד כנכת' בתו' תביאמו ותטעמו: י"י מלך... ועד: ויהי בישרון: לא הביט און ביעקב: ובדברי קד' כת' ל' זמרו אלהים... כסא קדשו: שאו שערים... סלה. על יד עבדיך הנביאים ונ' כה אמר... צבאות: ועלו מושעים... ציון: והיה י"י... על כל... או"א מל נוך] על כל... שידעו כל הברויים שאתה בראתם וכל היצורים שאתה יצרתם... משלה וקיים לנו י"י אלהינו את הדבר האמור בתו' על ידי משה עבדך מפי כבודך שמע ישראל... א' (up to here practically the same as in l. c., 597, l. 5) כי לך יאתה מלוכה עדי עד מלך מפואר ראשון ואחרון ונעשה לפניך את חובותינו כתמידי יום וכקרנן מוסף ב"א י"י אדיר המלוכה מלך כל הארץ מקדש ישראל וראשי שנים ומחדש שנים ומועדי השמחה זמנים ומקראי קודש.

אתה זוכר... שמבראשית אתה זכר כל המפעל וגם כל יצור לא נכחד ממך כי אין שכחה... עניך הכל גלוי לפניך... כעפרות תבל ככ' בתו'... נאקתם וג' וגם אני שמעתי: וזכרתי... בריתי דבר צוה לאלף דור זכר חסדו... אלהינו: על ידי

¹²² See also Müller, p. 262, note 6.

¹²³ See Müller, p. 263, note 8. ואם אינו בקי בהם אומר אודה את י"י בכל לבב 19²

עב' הנב' ונאמר¹²⁴... בפקדת רחמים וישועה משמי שמי קדם וזכר לנו א'לינו את העקדה שעקר אבינו אברהם... לעשות רצונך כי (וכן r.) יכבשו רחמך את כעסך [וטו]בך ישיב את חרון אפך מעירך מעמך מארצך מחלקך מנחלתך וקיים לנו את הדבר האמור בתורתך על ידי משה עבדך כאמור... כי זכר נשכחות... כסא כבודך ב'א י'י זכר ברית אבות לבנים.

אתה נגלית... השמעתה את אבותינו קולך ונראתה... אש. חרדו בנים מפני הגבורה ולא יכלו לקבל את הדברות מזוי השכינה ששרת עליהם הרתיעו כולם ונתעלפו כולם ונפלו על פניהם ונפשותיהם יצאו מקול הדברות עניי הכבוד עמדו עליהם מניפים עליהם גשמי נדבות להחזיר נפשות וגופות חסידים ככ' ברב' קדשי גשם נדבות וג': כאחת השמיעו טון וגדול כל אשר דבר י'י נעשה ונשמע בחמלה גדולה חמלת עליהם ביום דבר י'י נעשה ונשמע בחמלה גדולה נתת להם ביום השלישי וביום השביעי לטהר את העם: ככ' בתו' ויהי ביום השלישי בהיות הבקר וג': ויהי קול השופר וג' וכל העם ראים את הקולות ובדברי קדשך כתוב לאמר עלה אלהים... הללויה ועל ידי עבדיך הנביאים כות' לאמר כה (here the MS. breaks off).

FRAGMENT, No. 15

(T.—S. Box H 5, four paper leaves).

(fol. 1, v.) מומור אל כיפור שיר המעלות ממעקים וג'... ברכי נפשי את י'י ואל תשכחי... ברכי נפשי את י'י. (v.) אלמעריב אלי אלסירה י'י שפתי תפתח אלי האל הקדוש.

(fol. 2, r.) אתה בחרת בישראל עמך מכל עם זרע ישורון, (as in *M.G.W.J.*, l.c.) (435, No. 3) ותתן לנו באהבה את יום וכו' ככת' בתורתך וידבר י'י אל משה לאמר אך בעשור... תשבחו שבתכם או'א גלה כבוד מלכותך מלוך על ישראל עמך במהרה... עולם ויאמרו מעשיך י'י אלהי ישראל מלך ומלכותו בכל משלה אנא אלהינו יעלה ויבא (as l. c. 439) כי אל חנון ורחום אתה לבדך נקראת ויהי יום קודש הזה יום צום הכיפורים הזה יום סליחת העון הזה יום כפרת הפשע הזה סוף וקץ לכל צרותנו תחלה וראש לרוחתנו¹²⁵ וקיים לנו י'י אלהינו את הדבר האמור בתורתך

¹²⁴ A paper leaf (T—S. 8H 244) begins, וזכרתי לך חסד, (verso) לחיים ולשלום ביום טוב מקרא נעורירך... רחם ארחמנו נאום י'י. או'א יעלה ויבא יגיע... (here the MS breaks off). צרה פדנו בו מיון ואנחה שמחנו בו שמחה

Hence יעלה ויבא was inserted at זכרונות after the verses from the prophets and before the concluding passage leading down to the eulogy.

¹²⁵ A fragment in T—S. Arabic Box: Liturgy, consisting of 3 leaves, reads here לישועתנו and then continues, לשון אתה יוצר. בינה נותן ולא עוצר. Alphabetical, ends שפר אמרים ודעה חונן.

על ידי משה עבדך מפי כבודך כי ביום הזה... לפני י"י תטהרו וכתוב מי אל כמוך... מימי קדם ויהיו דברי אלה.. אין עוד והשיאנו ה' אלהינו את ברכת מועדיך לשלום כאשר רצית ואמרת כן חברנו סלה כי בישראל עמך בחרת ואותנו קדשת ויום צום הכיפורים הזה למחילה ולסליחה הנחלתנו בא"י מקדש ישראל ויום צום הכיפורים מוחל וסולח סלח לעונותינו ולעונות עמך בית ישראל ברחמים בעבור שמך הגדול אלודי וכו'.

FRAGMENT, No. 16.

(A quire of 6 leaves in Cambridge Add. 3356 (see above, No. 3 end, p. 294) begins with למשה (Ps. 1037) and continues to the end of chapter followed by ch. 130).

י"י שפתי תפתח ופי יגיד תהלתך וג' האל הקדוש וג' אתה בחרת בישראל עמך... ורחי בהם (as in *M.G.W.J.*, l. c., 435). ותתן לנו י"י אלהינו באהבה מועדים לשמחה שבתות למנוחה את יום מקרא קדש הזה את יום צום הכיפורים הזה יום סליחת העון הזה לשמחה וליום טוב ולמקראי קודש ככ' בתו' אנא סלח נא לחטאת עמך. ורצה תשובת מייחליך. בכל עת בעשור תעביר פשעי עמוסיך. ותצליל עונינו בעינו נפשנו. עשה לנו כרחמך ביום זה בחרתה עיינינו נפשנו. כי ביום זה עשור תלבין חטאינו. כי לך חטאנו. כי אתה רוצה כל בוטח בך ככ' בתו': וידבר י"י אל משה לאמר אך בעשור... תשובתו שבתכם: כי על התשובה מאז הבטחתנו ועל הסליחה עיינינו לך מיחלות ככתו' בדב' קדש' תפלה למשה... ושוב בני אדם: או"א מחל לעונותינו ביום הזה ומחה והעבר פשעינו מנגד עיניך וכוף את יצרינו להשתעבד לך והכניע ערפינו לשוב אליך חדש כילותינו לישמור פיקודיך ומול את לבבינו ליראה את שמך: ככ' בתו': ומל... לפני י"י תטהרו: מיכה עבדיך אמר לפניך מי אל כמוך... מימי קדם: וכת' ויהי דברי אלה... האלהים אין עוד: והשיאנו י"י אלהינו את ברכת מועדיך (margin): יגב אדא כאן יום אלשבת יקול את ברכת שבתותיך ומועדיך) לשלום כאשר אמרת ורציתא כן תברכינו סלה כי בישראל עמך בחרת מכל העמים יום מקרא קדש הזה יום המנוח הזה יום צום הכיפורים הזה יום מחילת (here the MS. breaks off)

FRAGMENT, No. 17.

(T.—S. 10 H 11³, one paper leaf)

(fol. 1, v.) לפר שני עשרנים לאיל... אשה ל"י: או"א גלה כבוד מלכותך עלינו ותתם אלי כי ישראל עמך בחרתה מכל העמים מועדי שמחה והזמנים ומקראי קדש ונעשה לפניך את חובותינו כתמידי קרבן מוסף ב'... מקדש ישראל וראשי שנים ומחדש שנים וזכרון תרועה ומועדי שמחה והזמנים ומקראי קדש. רצה י"י אלהינו ושכן לציון ותתם אלצלאה עלי רסמך

תרכיב צלאה לילה חג הסכות ונבחדרי תקול י"י מלך גאות... תמוט: ותתם אלמזמור עלי רסמה כל עיד תם תקול מזמור אלעיד והו שיר המעלות לדרור שמחתי... שלום בכ (verso) למען בית י"י אלהינו אבקשה טוב לך: בא"י אלהינו מלך העולם אשר קדשנו במצותיו וצונו על מצות קריית שמע להמליכו עלינו בלבב שלם וליחדו בלב טוב ובנפש חפצה: ותקול מעריב כרסמך כל לילה ותקול איצא קרית שמע עלי רסמך ותוצלהא בשבע ברכות פאדא וצלת אלי ב'... האל הקדוש תקול אתה בחרת בישראל עמך מכל עם זרע ישורון ורציתה אלי אן תבלג אלי ותתן לנו י"י אלהינו באהבה מועדים לשמחה את יום המנוח הזה את יום מקרא קודש הזה את יום חג הסכות הזה ולשמחה ליום טוב ולמקראי קדש ככת' בחורתיך וידבר י"י אל משה לאמר: דבר אל בני ישראל לאמר בחמשה עשר יום... בהוציא אתכם (here the MS. breaks off).

VIII GRACE AFTER MEALS

24. Nos. 18–21a give us fragments of ברכת המזון. It is difficult to ascertain whether they represent the purely Palestinian custom though they differ appreciably from 'Amram's text. As chance willed it, in the very introductory phrases of the Grace (No. 18) there is a lacuna in which I have filled up to read [נברך שאכלנו] משלו. ברוך [נשאכלנו] משלו ובטובו חייו. But this is one of the so-called differences between Palestine and Babylon.¹²⁶ In the former country the grace would be introduced in company of three by נברך על המזון שאכדנו משלו whereas in the latter country the reference to the staple food (על המזון) would be omitted. If our fragment is Palestinian, the lacuna ought to be filled up accordingly for which there seems to be no space in the Ms.

In No. 18 the first benediction is rhymed and probably is a modification of the text used everyday. In the second benediction נודה is displaced so that the beginning reads על ארצינו ועל נחלת אבותינו. In 'Amram (ed. Fr. I, 364) it commences with נודה but the version of grace in the house of mourners (II, 413, and ed. Warsaw, I, 55) reads על ארצינו נודה לך וכו'. The third benediction being for Sabbath begins with נחמינו but does not end with a specific reference to consolation. The Baraita (Ber. 48b) prescribes for Sabbath מתחיל בנחמה ומסיים

¹²⁶ Müller, חלוק, No. 24. The clearest version is that of Orhot Hāyyim בני ארץ ישראל מברכין על המזון שאכלנו משלו שעושין המזון עיקר, בני בבל אומרין נברך שאכלנו משלו ואין אומרין על המזון. See Müller's notes.

which Alfasi and before him R. Hananel took literally, the benediction thus to begin with נחמינו and to conclude with the eulogy בונה ירושלים instead of עמו בבנין ירושלים at week days.¹²⁷ Sa'adya and Rashi and other authorities maintained that no change should be introduced on Sabbath and that the beginning רחם and the conclusion בונה are meant by the phrase נחמה, consolation, intending to indicate that though on Sabbath there is the insertion והחליצנו the phrases of consolation should be retained. Our text (No. 18) is a sort of compromise beginning with נחמינו and continuing with רחם but concluding with הבונה ברחמי את ירושלים. But Nos. 19 and 21 have המנחם and likewise Codex Turin.¹²⁸ After the eulogy we have the passage אמן בחיינו אמן במהרה בימינו with a reference to wicked Rome whose downfall is prayed for (Nos. 18, 19 and 20 with variants; Nos. 21 and Codex Turin omit the allusion to Rome, probably out of political consideration). R. Naṭronai knew of this passage but declared that it was not recited either at the academy or in the whole of Babylon.¹²⁹ It no doubt originated in Palestine where the yoke of Byzantium was grievously felt and where the sight of the ruined sanctuary gave expression to the ardent wish of seeing it rebuilt.

The passage רועינו וזונינו פרנסנו in רחם is missing in our fragments except in No. 21. Likewise Sa'adya's text (Amram ed. Fr. II, 354, note) does not have it. Yet it was an early insertion mentioned already in Yer. Sabbath (15b top)¹³⁰

¹²⁷ See רבינו האלפסי כתב ובשבת מתחילין בנחמה שאומר נחמו, § 64 שבת, המנהגים ה' אלהינו וכו' ומסיים בנחמה ותנחמנו בנחמתך וכו' בא"י המנחם עמו בבנין ירושלים, ופר"ח כר, וכן עמא דבר לומר נחמו ה' אלהינו בציון עירך ושמחנו בבית בחירתך ומלכות בית דוד משיח מטהרה החזירנה למקומה ורצה והחליצנו.

See further the commentary of the disciples of R. Jonah to Alfasi, a. l., and Frumkin in his ed. of 'Amram, I, 365, note 27.

¹²⁸ Fol. 30b (p. 67 of copy) בחול אומר רחם... ואע"פ שאכלנו ושתינו חורבן ביתך לא שכחנו... ויבוא אליהו הנביא ומשיח בן דוד במהרה בימינו ובנה ירושלים עירך במהרה בימינו בא"י בונה ירושלים אמן ובשבת וימים טובים מהחיל בנחמה נחמינו ומסיים בנחמה והעלינו לתוכה ונחמינו בה ושטחנו בבניה כי אתה הוא בעל הנחמות ובעל הישועות בא"י מנחם עמו בבנין ירושלים אמן בחיינו במהרה בימינו תבנה ציון ותכון העבודה בירושלים.

¹²⁹ 'Amram, ed. Fr., I, 366, (מנהגו = r. מנהגו) דאמר רב נטרנאי גאון זצ"ל אין מנהג' (מנהגו) ר' עזריה שאל לר' חייא בר בא מהו מימר רעיו פרנסנו בימינו בישיבה ולא בבבל כלה לומר בברכת המזון בברכה רביעית אמן במהרה בימינו.

¹³⁰ תני אסור לתבוע צרכיו בשבת. ר' ועזריה שאל לר' חייא בר בא מהו מימר רעיו פרנסנו About the variants see Ratner, Sabbath 43-4. In

We should have therefore expected it in our texts, if they would be purely Palestinian. However it seems to have been left out by some on Sabbaths since it was prohibited to pray on that day for one's private needs. Sa'adya left it out even on week days.

25. Of special interest is No. 20. The second benediction of *בהמ"ז* of which only the end is preserved has an insertion of Ps. 98. It is evidently a *Paiṭānic* version of the grace after a banquet on New Moon's day (*סעודה ר"ח*). This is evident from the third benediction which is rhymed and continues the alphabet from letters 'ס to 'ח. Then comes the indication that on Sabbath and *Rosh Ḥodesh* *יעלה ויבא* should be recited wherein reference is made also to the Sabbath (*יום המנוח*) against the usual custom as advocated by the Geonim.¹³¹ Curious enough the ending on that occasion is not *בונה ירושלים* or *המנחם עמו* but *ואתה תחפוץ בנו ותרצינו בא"י שאותך* which is really the eulogy of the 'Amidah. As the fragment reads it appears to refer to *בהמ"ז*. But we must assume that this passage really deals with the 'Amidah of *שחרית* of a Sabbath coinciding with New Moon, in spite of the omission of express indication. Then comes *Musaf* of that day. It begins with a rhymed strophe *הזכרנו לפניך מוסף שבת*, followed by the passage *ועוד נזכיר לפניך מוסף יום ראש חודש* (also to be found in 'Amram, ed. Fr., II, 333). The subsequent phrase *אתה היכנתה מנוחת שבת...* reminds by its beginning of the more elaborate *אתה יצרת* which 'Amram has and which has been adopted in the customary rituals.¹³² Afterwards we have *או"א גלה כבוד מלכותך וכו'* and *יעלה ויבא* just as in the *Musaf* of Festivals according to the Palestinian rite. This fact makes it evident that our fragment

Lev. R. c. 34, 9, the reading is *אלין דאמרין רועינו וזנינו ופרנסינו בשבת מהו* which shows that even in Palestine it was not the general practice.

¹³¹ About *יעלה ויבא* at *Musaf* see Dr. Ginzberg, *הצופה מארץ הור*, III, 181-4, cp. also the addenda, vol. IV, 97-8.

¹³² But R. Ṣemaḥ (in a responsum cited in *Rokeaḥ*, § 305) does not seem to have had *יצרת*. It reads, *שאלתם לפרש מוספי שבת שחל להיות ב"ח או בחוש"מ כי*, *שאלתם לפרש מוספי שבת ומוסיים בשל שבת ואומר קדושת היום באמצע, כך אומר אני* (אומרין אנו). *בישיבה... שבת קדשך לעמך נתתה יום מנוחה לבחיריך יה"ר מלפניך יי' אלהינו שתעלינו לארצינו ותטעינו בגבולינו וכו'*.

has preserved the version in vogue in the Holy Land.¹³³ Codex Turin has a Paitānic version of the Musaf 'Amidah on Sabbath and Rosh Ḥodesh wherein the fourth benediction also begins with **יום ענוגה חתה** this forming letter Yod of an acrostic **זבדיה חזק** indicating thereby the author's name.¹³⁴

Herewith the discussion of the fragments of Palestinian provenance at our disposal is concluded. The Genizah being particularly rich in liturgical MSS., it is to be hoped that those stored up in the collections to which I had no access will be examined with the result that the sketch of the Order of Service of the Holy Land presented herewith will be considerably augmented and that missing links will be supplied, thereby illuminating the obscure points still remaining.

FRAGMENT, No. 18.

(T.—S. Box K 8, 14 leaves of which fols 2, verso,—4, verso, contain the text of grace after meals while the remainder contains dirges).

(fol. 2, v.) **ונברך שאכלנו משלו. ברוך [שאכלנו] משלו ובטובו חיינו.**

¹³³ See also Elbogen, 125, 5.

¹³⁴ Codex Turin 51 (pp. 123–4 of copy) reads, **ויש נוהגין להתפלל פיוט כגון זה**, ופוחח ואומ' ברוך אתה קונה שמים וארץ.

זה אתה אלקי תהלתינו. מנינו ומנן אבותינו. בא' מנן אברהם.

בוטחך יחיו בושמי בטללי (alternatives for winter and summer) **זבולך. ממית** וסחיה ואין דומה לך. בא' מחיה המתים.

כתר יתנו לך. לעומתם. פעמים להיות לכם. ובדברי קדשך

דגול מרבבות הרשישים. לך יאמרו קדוש קדושים. בא' האל הקדוש

יום ענוגה חתה. לעם קניתה. קרבנות מוספין למשה ציויתה. נעשה ונקריב לפניך את קרבן חובותינו. תמיד יום וקרבן מוסף שבת. בא' מקדש השבת. ויש שמזכירין פסוק של מוסף כמו שמזכירין בלחש. השב לנו נחומים בכפלים. ונוכה לעבדך באהבה כרצונך בירושלים. בר' את' שאותך לבדך ביורה נעבוד.

מודים אנחנו לך עד מימי קדם. חושה חי שכון בקרבנו. זמר נורה לך מטיבנו. בא' הטוב שמך ולך נאה להודות. קומם בית בחירהך. ושים עלינו שלומך ושובתך וברכתך. בא' המברך את עמו ישראל. The composition is already modelled after the Babylonian eulogies. Still the beginning **יום ענוגה חתה** shows Palestinian influence. Zunz, *Synagogale Poesie des Mittelalters*, 2nd ed., 166, assigns Zebadya as probably belonging to Greece (more properly Byzantium which naturally stood under Palestinian influence with regard to the ritual, since the Holy Land formed till about 640 a part of the Byzantine empire).

ברוך [אתה] י"י א'לינו¹³⁵ מלך העולם הזנינו ולא ממעשינו. המפרנסינו ולא מצדקותינו. המעדיף טובו הגדול עלינו. כאמור פותח את ידך ומשביע לכל חי רצון¹³⁶ מטובך תשביענו. כי אתה יוצרינו. בא"י הזן את הכל. על ארצינו ועל נחלת אבותינו גודה לך י"י א'לינו שהנחלתנו והנחלת את אבותינו ארץ חמדה טובה ורחבה ברית ותורה וחיים (fol. 3, r.) ומוון ועל שהוא ותנו ממזרים ופדיתנו מבית עבדים וועל תורתך שלמדתנו ועל חוקי ברייתך [שחתמת] בבשרי [נו] ועל הכל י"י א'לינו אנחנו מודים לך ומברכים את שמך יתברך שמך תמיד לעולם ועד כאמור ואכלת ושבעת וברכת את י"י א'ליך¹³⁷ בא"י על הארץ ועל המזון.

נחמינו י"י אלהינו בציון עירך ברנה ובשכלול בית מקדשך ורחם י"י א'לינו עלינו ועל ישראל עמך ועל ירושלים עירך ועל ציון משכן כבודך ועל הבית (fol. 3, v.) והגדול שנקרא שמך עליו [ועל] מלכות בית דויד משיחך [במהרה] תח[ו]י[רנה] ולמקומה כי לך י"י מיחלות עניינו. ותבנה ציון עיר קדשך ותמלוך עלינו אתה לבדך ותושיענו למען שמך

רצה והחליצנו... השביעי כי יום גדול וקדוש הוא מלפניך נשבת וננוח בו כמצות חוקי רצוניך ואל יהי צרה ויגון ואנחה ביום מנוחתנו כי אמר דויד הניח י"י אלהי ישראל לעמו וישכון בירושלים עד עולם ונאמר שם (fol. 4, r.) אצמיח קרן לדויד ערכתי נר למשיחי¹³⁸ ותמלוך עלינו אתה לבדך. ואף על פי שאכלנו ושתינו חרבן ביתך הגדול והקדוש לא שכחנו ואל תשכחנו לעד כי חסיד וקדוש וברוך ונאמן אתה ונאמר¹³⁹ בונה ירושלים י"י נדחי ישראל יכנס בא"י הבונה ברחמיו את ירושלים. אמן בחיינו אמן במהרה בימינו תבנה ציון ברנה ותכון עבודה בירושלים וארמון על משפטו ורומי הרשעה תפול.

בא"י מ"ה האל אבינו מלכנו אדנינו (fol. 4, v.) בוראנו קדושנו קדוש יעקב (No more continued. A dirge follows).

FRAGMENT, No. 19.

(T.—S. Box H 18, no. 18, 2 paper leaves).

(fol. 1, r.) והוא אלפצל יזאד פי כל סבת ברכת מוון ואדא אתפק אלפסח פי אלסבת יקול אנא רצה והחליצנו ואמצינו וגדלינו וחוקינו במצותיך... יום גדול וקדוש הוא לפנינו נשבות בו וננוח בו נתענג בו כמצות חוקי רצוניך... מנוחתנו אר"א יעלה ויבא... לחסד לרוח ולרחמים... ביום המנוח הזה¹⁴⁰ ויום טוב מקרא קדש הזה ויום חג המצות הזה לרחם בו עלינו ולהושיענו וזכרינו י"י... לחיים. מלמינו בו

¹³⁵ אלהינו.

¹³⁶ Ps. 144¹⁶

¹³⁷ Dt. 8²⁰

¹³⁸ 1 Chr. 26²⁹, Ps. 132¹⁷

¹³⁹ Ps. 147²

¹⁴⁰ Against this sentence there is a Marginal note סבת כאן

מכל צרה פדנו בו מיגון ואנחה שמחנו בו שמחה שלימה רפאינו בו רפואה תמימה בדבר ישועה ורחמים (fol. 2, r.) חוס וחנינו ורחם עלינו ופנה אלינו והושיענו כי אליך מיהלות עיינו.

ובנה את ירושלים עיר הקדש בחיינו כאמור בונה ירושלים יי נדחי ישראל יכנס באי המנחם עמו בבנין ירושלם אמן בחיי כלל עם יי צבאות תבנה ציון ברנה ותכון עבודת יי בירושלם וארמון על משפטו ישב ומלכות הרשעה תפול לא תקום לעולם ועיינו תראינה בהחזרת השכינה לישנה ככת' 141 קול צפיק... בשוב יי ציון באי אמ"ה (fol. 2, v.) תתברך לעד האל אבינו מלכינו מחסינו תוחלתינו קדושינו קדוש יעקב רוענו ורועה ישראל המלך הרחמן הטוב והמטיב האל אשר בכל יום ויום הוא מרבה להיטיב לנו הוא גמלנו הוא גומלינו הוא עתיד גמלינו לעד חן וחסד והצלחה וכל טוב. הרחמן ימלוך לעולם ועד. הרחמן יתעלה לדורי דורים. הרחמן קרן לעמו ירים. הרחמן יחיינו ויזכינו לימות המשיח ולחיי העולם הבא. כפירים... טוב הודו ליי... חסדו ונאמר ועבדתם (here the MS. breaks off).

FRAGMENT, No. 20.

(T.—S. Box K 27, 2 paper leaves).

(fol. 1, r.) שירו ליי שיר חדש כי נפלאות עשה הושיע לו זמינו חורע קדשו 142 ונאמ' ואכלת ושבעת 143 ב' על הארץ ועל המזון. סעודת ראש חודש. עשות בהר הקודש. פודה ישלח מקדש. ציון לכונן ומקרא קדש. קול שיר חדש. רנן שופר יתחדש. שם העיר מיום יחדש. 144 תפארת מלוכה תתקדש. ככתוב תקעו בחודש שופר בכסה ליום חגינו 145 ונא' בונה ירושלים יי. 146 ב' בונה ירושלים. אמן בימינו ובימיכם ובימי כל עמו ישראל וג' ופי יום סבת וראם שהר יקול או"א יעלה... לטובה ולרחמים ביום המנוח הזה ביום ר"ח הזה לרחם עלינו בו להושיענו כי אליך עיינו. והשתחוו עם הארץ פתח השער ההיא בשבתות ובחדשים לפני יי 147 ואתה ברחמים תחפרן בנו ותרצנו באי שאותך (verso) מוסף שבת וראש חדש. יום ענוגה תתה. ליום שנח[תה. להיות אות בניך ובינינו נתתה. כי בס חשקתה ובחרת. ככתוב 148 ביני ובין בני... לעולם וג' ונא' 149 וביום השבת... עשרונים וג'

¹⁴¹ Is. 52¹

¹⁴² Ps. 98¹

¹⁴³ Dt. 8¹⁰

¹⁴⁴ Cp. Ezek. 48³⁵

¹⁴⁵ Ps. 81⁴

¹⁴⁶ Ps. 147²

¹⁴⁷ Ezek. 46³

¹⁴⁸ Exod. 31¹⁷

¹⁴⁹ Num. 28⁹⁻¹⁰

הזכרנו לפניך מוסף שבת ועוד נזכיר לפניך מוסף יום ראש חדש ככתוב בתורתך¹⁵⁰ ובראשי חדשים תקריבו עולה ל"י וג' אתה היכנתה מנוחת שבת וצויתנה לקדש ראשי חדשים פגשו כאחת שבת וחדש או"א גלה כבוד מלכותך מאד על ישראל עמך במהרה והופע והנשא עלינו לעיני כל... בשמחת עולם אנא אלהינו יעלה ויבא וכו' The page ends at *לְטוֹבָה*; there is a gap between fols. 1 and 2 the latter containing *סליחה* and *יודי* for Yom Kippur.

FRAGMENT, No. 21.

(T.—S. Box H 11 contains a copy of *בהמ'* and consists of 11 paper leaves some of which are very damaged).

The benediction *רחם* ends: שמתנתם מעוטה וחרפתם: מרובה אלא לידך המליאה והרחבה ולא נבוש בעולם הזה ולא נכלם לעולם הבא ומלכות [בית דוד] עבדך במהרה תחזירנה למקומה בימינו.

ופי אלמועד ופי ראש חדש יקול או"א יעלה ויבא וכו' ופי אל שבת יקול רצה... והראנו בנחמת ציון במהרה בימינו וכי אתה בעל הנחמות ובעל הישועות כאמור¹⁵¹ כאיש... ובירושלם תנוחמו בא"י המנחם עמו ישראל בבנין ירושלם

ופי אלחול יקול ובנה את ירושלם בקרוב והעלנו לחוכה כימי קדם כלה בא"י הבונה ברחמי הרבים את ירושלם אמן במהרה בימינו אמן בחיינו ובחייכם ובחיי כל בית ישראל הקרובים והרחוקים תבנה עיר ציון ותכון העבודה בירושלם וארמון על משפטו ישיב ויבא הגואל ויגאלנו. וישלח התשבי ויבשרנו כבראשונה אף על פי שאכלנו ושתינו חרבן ביתך הגדול והקדוש לא שכחנו נא אל תשכחנו יי אלהינו ואל תעזובנו ואל תסתיר את פניך ממנו לעולמים

בא"י האל תתברך לעד אבינו מלכנו אדירנו וכו' הרחמן יתפאר בנו לנצח נצחים. הרחמן קרן לעמו ירים. הרחמן הוא יפתח לבנו לתורה. הרחמן הוא יגאלנו במהרה. הרחמן הוא ישלח ברכה והצלחה בכל מעשה ידינו. הרחמן יצליח את דרכינו. הרחמן ירחם מתינו

(There follow several *הרחמן*, but the page is torn across its length and in each case only the word *הרחמן* is preserved).

¹⁵⁰ Num. 28^{1ff}

¹⁵¹ Is. 66¹³

THE ORIGIN OF THE TAḤANUN

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PRAYER IS PRIMARILY PERSONAL. Individuals in their need cry unto God and utter prayers. Frequently such prayers outlast the need which called them forth and are preserved by tradition to serve as spiritual guides for men less articulate. These prayers occasionally achieve a permanent place in public service, yet even when their vogue is only temporary they may awaken a creative impulse to prayer so that a large devotional literature develops under their inspiration.

Public prayer in Israel reaches back so far into antiquity that we are unable to speak with exactitude of its origin. Yet we may well assume that the evolution of the regular public collection of prayers—the Tefilla—received its first impulse from the prayers of pious men of spiritual genius. Certainly the affinity of thought between the Tefilla and the prayer of Nehemia (Neh. 1, 5f.) seems to support such an assumption.

The process of evolution from private to public prayer continued even after the development of the Tefilla, it can be clearly traced in the history of the development of the Taḥanun. The Talmud has preserved (in b. Ber. 16b-17a and j. Ber. 7d) private prayers of rabbis who lived one century and later, after the Tefilla had received its fixed form.¹ Although the Tefilla was already fairly fixed, these Rabbis through their private prayers gave a new impetus to original prayer. Under this impulse there eventually developed the new part of our service—the Taḥanun.

¹ Two of the prayers in the Jerushalmi are practically duplicates of two in the Babli. Not counting the duplicates there are thirteen prayers in all. The earliest author of one of these prayers is Rabbi Judah Hannasi, and the latest Mar son of Rabina.

It is the aim of this essay to show how these private prayers of the Rabbis influenced the content and the wording of the Taḥanun; to trace the presence of these prayers (occasionally in a somewhat modified form) in the early Taḥanun texts; to note how they were either embodied in their entirety in the Taḥanun for all worshippers to use, or at times were used merely as models in the creation of original Taḥanun prayers.

Private personal prayer has always been part of the regular public ritual in Judaism. Even the Temple service provided an opportunity for each individual to add his private devotion to the public ritual. Every morning after the Tamid was sacrificed and the Levites had chanted their Psalm, the people would prostrate themselves and utter silent prayers. (M. Tamid VII, 3 Sirach 50, 16–21; Elbogen, *Jued. Gottesdienst.*, p. 73f.). In the Synagogue service also, private prayer was added to the public worship just as it had been added to the service in the Temple.

The place in the service assigned to private devotion was not always the same. This is evident from the discussion in b. 'Aboda Zara, 7b–8a, where the question is asked: Where shall a man insert his private petitions (שואל צרכיו)? The consensus of the opinion of the Tannaim is summed up in the dictum of the majority of the Rabbis (8a): "A man may insert his private petitions in the Tefilla benediction: "Thou who hearest prayer" (שואל אדם צרכיו בשומע תפלה).

The discussion is then taken up by the Amoraim as follows:—Said R. Judah the son of R. Samuel in the name of Rab: Although the Rabbis said that a man may utter his own petitions in the benediction שומע תפלה nevertheless, if he wishes, he may read at the end of each blessing an additional prayer in the spirit of that blessing (מעין כל ברכה וברכה). Said R. Hiya b. Ashi in the name of Rab: Although the rabbis said that a man may utter his petitions in the benediction שומע תפלה, nevertheless if there is an invalid in his house, he may add his private prayer to the benediction "Healer of the Sick"; if he wishes to pray for prosperity he adds his prayer to the 'Blessing of the Years'. Said R. Joshua b. Levi: Although the rabbis said, etc., neverthe-

less, if he wishes to utter *after* the Tefilla a prayer as long as the confession of Yom Kippur, he may do so.

Thus we see that the earlier practice as given in the name of the Tannaim (Naḥum Ḥammadi and the חכמים) was to insert private prayers in the benediction שומע תפלה,² but as is evident from the statement of the Amoraim, this was changed. The opinion of Rab (as given by Judah the son of Samuel b. Shilat and by Ḥiya b. Ashi) is that the older custom of uttering private petitions in the benediction שומע תפלה may be neglected in favor of the practice of adding petitions to the end of any of the blessings of the Tefilla. The Babylonians are evidently eager to have each private prayer put into the place specifically appropriate to it. Joshua b. Levi, the Palestinian Amora, also says that the older custom may be neglected, but suggests that the private prayers be added *after* the Tefilla.

It does not necessarily follow that in Palestine they completely abandoned the older practice of saying private prayers in the Tefilla itself. The statement of Joshua may simply mean that the close of the Tefilla is the preferable place, especially for longer private prayers. Nor does it follow that in Babylon they did not recite their private prayers after the Tefilla. From the group of private prayers given in b. Ber. 16b-17a and j. Ber. 7d we may conclude that although other customs may still have been adhered to, both in Palestine and in Babylon, the *preferable* place for private devotion was after the Tefilla. These prayers, written by Palestinian and Babylonian teachers, are each headed "After he completed his Tefilla, he would recite the following prayer". Even Rab in whose name the custom is recorded to recite private prayers after any blessing *within* the Tefilla, is the author of one of these after-Tefilla prayers. Evidently even in Babylon they found the custom of inserting prayers too cumbersome, and they adopted the practice of reciting their prayers after Tefilla.

² The practice of uttering private devotion after the Tefilla is not unknown to Tannaitic literature. The Tosefta (Ber. III, 6) says אומרים דברים אחר תפלה. But it is evident from 'Aboda Zara 8a that the general Tannaitic practice was to utter private devotion in the benediction שומע תפלה.

Thus the place for private prayer had definitely become the end of the Tefilla, and this is the place now occupied by our Taḥanun. These prayers of the Rabbis are the first examples of private prayers after the Tefilla. In other words they are the first Taḥanun texts.

Before tracing the influence of these private prayers upon the Taḥanun it may be well to discuss the ideas expressed in them, for the extent of their influence was, to a large degree, dependent upon their content. Of course, it may be reasonably anticipated that these prayers, if only because of their author's prestige, would constantly serve as a model for the prayers of others. Yet the influence of these prayers of the rabbis would surely have been considerably restricted if their contents had been *too* personal, that is, too closely fitted to the private needs of the great personalities who first used them. In order that prayers uttered by individuals may successfully serve as a model for the prayers of a large group, their content must be sufficiently general to meet the needs of many men. They must ask for blessings that all men would desire.

Now an examination of the contents of these private prayers shows that they were eminently suited for general use. Their contents could well meet the needs of any member of the Jewish community. They plead for spiritual strength, for power to understand God's law, for sustenance and for divine protection. There may occasionally be a turn of phrase or an emphasis upon a certain idea reflecting the individuality of the author of each prayer, but the contents in general are such as to have had a wide appeal.

This type of content in the prayers is due largely to the fact that, although the authors were quite original, they nevertheless, were considerably influenced by the petitions already found in the regular Tefilla. In fact so similar are the thoughts of these prayers to certain benedictions of the Tefilla, that we are justified in concluding either that they were originally composed with the intention of being uttered after certain benedictions of the Tefilla, in accordance with the principle *מעין כל ברכה וברכה* and that subsequently they were transferred to the close of the Tefilla, or else, if they were uttered originally at the close

of the Tefilla, the authors had certain benedictions of the Tefilla in mind.

Thus the prayer of R. Yoḥanan (b. Ber 16b) 'See our disgrace and look upon our misfortune, etc.', is clearly based upon the benediction **ראה בעינינו**.

The second prayer of Alexander (b. Ber. 17a) prays as follows: "It is our will to do Thy will, but we are prevented by the heaven in the dough (i. e., the evil inclination) and our subjugation to foreign rule (**שעבוד מלכויות**). Deliver us from them that we may return to do Thy will with perfect heart.' This prayer is evidently based upon the benediction **השיבנו**. The benediction reads: 'Bring us back to Thy Torah (which is a remedy against evil inclination; cp. b. B. B. 16a and b. 'Aboda Zara, 5b). 'Bring us near to Thy service (hence Alexander prayed to be delivered from **שעבוד מלכויות**, cp. the thought of Abot III, 6: "Whoever accepts the yoke of the Torah, there is removed from him the yoke of the **מלכות**). 'And bring us back in perfect repentance to Thee (and Alexander prays: 'that we may return to do Thy will with perfect heart.)

The prayer of Rab which is chiefly a petition for prosperity (b. Ber. 16b **חיים של ברכה חיים של פרנסה**) must have been based upon the **ברכת השנים**, probably in accordance with Rab's own precept that he who wishes to pray for prosperity should add his prayer to the 'Blessing of the years.'

Ḥiya b. Abba's addition to the prayer of El'azar (j. Ber 7d): 'Unify our hearts to reverence Thy name... and bring us near to all that Thou lovest', is very close in thought to the benediction **השיבנו**. ('Bring us back to Thy law and bring us near to Thy kingdom'). The same is true of the second prayer of Ḥiya b. Abba (j. Ber. 7d) 'Put into our hearts the desire to do full repentance before Thee. Ḥiya's prayer and the Tefilla benediction both use the phrase **תשובה שלימה**.³

³ It may be that both these prayers ascribed to Ḥiya are simply fragments of one prayer, which would read as follows:

ותיחד לבבנו ליראה את שמך, ותרחיקנו מכל מה ששנאת, ותקריבנו לכל מה שאהבת, ... ותתן בלבנו לעשות תשובה שלמה לפניך.

This would make it a perfect paraphrase of the blessing **השיבנו** containing the thoughts:

השיבנו לתורתך, קרבנו לעבודתך, והחזירנו בתשובה שלמה לפניך.

The prayer of Rabbi Yehuda Hannasi (b. Ber., 16b) to be delivered from the impudent, from evil men and from evil neighbors is evidently suggested by the benediction ולמלשינים. This connection of the prayer with this benediction seems to be sustained by the closing phrase of the prayer. The Tefilla benediction was directed primarily against the informers among the Judeo-Christians but Rabbi wishing to be delivered from *all* 'evil men and evil neighbors' purposely adds the words: "Whether he be a son of the covenant or whether he be not a son of the covenant."⁴

The penitential prayer of Raba (i. e. the Viddui of Hamnuna) is decidedly reminiscent of the benediction סלח לנו.

The prayers of R. El'azar (b. Ber. 16b; and in j. Ber. 7d ascribed to Yoḥanan) asking for peace and harmony between the disciples of the Torah, the prayer of E. El'azar (j. Ber. 7d) that there be no jealousy among us but that the Torah be our work, and the prayer of Safra (b. Ber., 17a) that He who maketh peace in the heavens make peace on earth among the disciples of the Torah, all three of these prayers are in the spirit of the benediction שים שלום, the central theme of which is: Grant us peace, bless us with the light of Thy countenance whereby Thou didst give us Thy Torah.

The prayer of Zeira (b. Ber., 16b), as enlarged in the Munich Ms., reads: 'May Thy Torah be our work; may we never be jealous of others nor others of us; may our hearts never weaken nor our eyes darken.' These are precisely the ideas found in שים שלום:—Peace, light and Torah.

It is clear therefore that practically all the private prayers of the Rabbis given in b. Ber., 16b–17a, and j. Ber. 7d, are closely related to certain benedictions of the Tefilla. This fact provided them with a content which fitted in perfectly with the religious ideas of the people at large, and made the petitions uttered by the prayers sufficiently general to be used by many worshippers.

⁴ It is significant that the three phrases in Rabbi's prayer which have no direct connection with the benediction ולמלשינים, namely, פנע רע שטן המשחית, פנע רע שטן המשחית, and פנע רע שטן המשחית, are not found in the Munich Ms.

This tendency just noted in the after-Tefilla prayers of Rabbis to paraphrase ideas of the Tefilla, is not confined to these particular prayers. The later teachers, as evidenced by the first post-Talmudic Taĥanun texts, followed the same practice. But the authors of these early Taĥanun texts were influenced not only by the Tefilla itself, but also by the Talmudic prayers which we have been discussing. Thus in the early Taĥanun texts we find that side by side with the direct influence of the Tefilla, the use of the Talmudic prayers is increasingly noticeable.

The earliest post-Talmudic Taĥanun known to us is the prayer at the end of the "Chapters of Ben Baboi" (a pupil of Raba the pupil of Yehudai Gaon), published in *R. E. J.* (vol. LXX, pp. 146-7) by J. Mann.

In this Taĥanun we find combined the direct influence of the Tefilla and that of the after-Tefilla prayers of the Rabbis.

The opening words of the prayer are missing, and the fragment begins in the middle of a sentence as follows: חבונה ומדע . . . which is clearly based upon the benediction אהה חונן (השכל והשכל). The next line contains the sentence (חוננו מאתך דעה בינה והשכל). The words (except for the use of the singular) of the benediction שמע קולנו. The two lines lower we have a prayer for peace:—שלוה וסמכני בשלוה—echoing the thought of Divine guidance and peace found in the benediction שים שלום. On the thirteenth line below this sentence, we find a prayer which is a very close parallel to the benediction שמע קולנו. In the following quotation each phrase of the prayer is given, and in parenthesis the phrase of שמע קולנו

⁵ That this prayer or rather group of prayers was meant to be a Taĥanun after the Tefilla is seen from the following facts:

1. Near the end there is the verse "May the words of my mouth" which should be recited at the close of the Tehinnot after the Tefilla (cp. *Amram* 9a).

2. It contains fragments of the after-Tefilla prayers of the rabbis as will be pointed out later.

3. This is followed by the paragraph יחד מלכנו אלהינו which is found also in *Amram* after the Tefilla as part of the Taĥanun.

4. The second paragraph is the penitential prayer:—"May He who answered Abraham on Mt. Moriah, etc." This is also found in *Vitry*, p. 70, as part of the Taĥanun.

which suggested it. יר"מ ה' אלהינו וא"א שתשמע בקולי (שמע קולנו) ותקבל תפילתי (וקבל... את תפילתנו) ורחם עלי למען שמך תמלא רחמים רבים (חוס ורחם עלינו) ופתח לי שערי רחמים לתפילתי ולתחינתי ולזעקתי.

On the same page we find the following prayer:—'Thus may it be Thy will to hearken to my prayer as Thou didst hearken to the prayers of our fathers of old; as Thou didst answer Abraham on Mt. Moria, etc.' This is followed by a list of Biblical personages who prayed to God and were answered. This prayer is also an adaptation of early benedictions once recited together with the regular Tefilla. The Mishna (Ta'anit II, 3-4) prescribes that the following additional benedictions be recited with the Tefilla on fast days. 'He who answers Abraham, etc.' Ben Baboi increases these benedictions to sixteen and puts them after the Tefilla with the rest of the Taḥanunim. They are concluded with the general prayer: 'As Thou hast hearkened to all these righteous men so answer me and help me, etc.' Thus in this early Taḥanun we find that the benedictions of the regular Tefilla and of the fast day Tefilla were used as a basis for private prayers after the Tefilla.

Now we also find in this Taḥanun that the after-Tefilla of the Rabbis given in the Talmud are also considerably used. The sixth line in Folio 6 recto contains the following:—והצילני מאדם רע ומאיש רע ומבעל דין קשה which is taken from the prayer of Rabbi (b. Ber. 16b). Two lines below we read: והושיעני בכל יום ובכל לילות הקשות מכל שעות הקשות ומשעות הקשות המתרגשות לבוא בעולם.

All this is taken from the prayer of Mar son of Rabina (b. Ber. 17a).

These excerpts from the prayer of the Rabbis are intermingled with the original prayers which are based upon the Tefilla; and all are considerably elaborated.

Another interesting use of the prayers of the Rabbis is found in the fragment of a liturgy published by Schechter (*J.Q.R.*, vol. X, p. 657) In this fragment the following Taḥanun is given immediately after the Tefilla:—כן יהי רצון ורחמים מלפניך יי אלהינו וא"א שתקרבונו ולכל ישראל עמך לרצונך וליראתך לאהבתך לתורתך לישועתך לעשות רצונך כרצונך בלבב שלם.

This Teḥinna at once recalls the benediction השיבנו especially its phrases:—והחזירני בחשובה שלמה. . . וקרבו לעבודתך. However this benediction was not necessarily the direct source of the prayer. R. Hiya's addition to El'azar's prayer (j. Ber. 7d), which is itself based upon the benediction השיבנו, reads in part as follows: ותקרבו לכל מה שאהבה. The second prayer of Alexander (b. Ber., 17a), which, as we have shown above, is also based upon the benediction השיבנו, begins גלוי וידוע לפניך שרצונו לעשות רצונך. From these two secondary sources this prayer in the Schechter fragment was in all likelihood composed, (instead of the first רצונך read רצונו) and these parts were somewhat elaborated by the addition of synonyms. The prayer reflects the השיבנו only because its sources are based upon it.

In *Seder Rab 'Amram* the prayers of the Rabbis are the predominant influence in the Taḥanun. In the Taḥanun of the morning service 'Amram gives, practically unchanged, no less than six of the thirteen prayers given in the Talmud, intending them to serve as models for the worshipper.⁶ 'Amram also quotes in his Taḥnun the morning prayer of the school of Yannai (j. Ber. 7d) which is included in the Yerushalmi in the group of after-Tefilla prayers. In addition he gives two original prayers, one of which is clearly inspired by the prayers of the Rabbis. This prayer (found on page 12a) begins as follows: רבון כל העולמים... מה אנו מה חיינו. It closes with the thought that now since we have no priest to atone for us, may our prayers be acceptable as if they were sacrificial animals offered on the altar. The thought of the prayer is not unusual; it corresponds to the benediction רצה which had come to include both the acceptability of the prayers and of the sacrifices. However the direct source of the end of the prayer in 'Amram is certainly the prayer of R. Sheshet (b. Ber. 17a) which says that since there is no longer an altar, let my fasting be as acceptable as if it were offered on the altar. Sheshet ends יר"מ שיהא חלבי ודמי הנמעט and 'Amram merely changes

⁶ The sixth prayer is that of Yoḥanan (b. Ber. 16b), cp. Marx, *Untersuchungen*, ad loc.

the subject of the sentence: **ר"מ ששהא תפילתנו שאנו מתפללין... כאילו** הקרבנו אותם על גבי המזבח ותרצנו.

The next Taḥanun prayer, given by 'Amram, begins **רבון העולמים גלוי וידוע לפניך**, and is practically the same as Alexander's second prayer (b. Ber., 17a). However, instead of our reading in the Talmud **שחצילנו מידם** 'Amram seems to have had a reading more like that of the Munich Ms. The Munich reads: **שחכניעם מלפנינו ומאחרינו ותשובות יצה"ר ממנו ותכניעוהו מלבנו**. 'Amram reads:—**שחשמיד ותכניע ותרחיק יצה"ר ממני ותשפילוהו ותכניעוהו**—**מרמ"ח אברים שבי**.

The original is here changed to the singular and somewhat elaborated. Then the prayer continues with the words: **ותן בלבי יצר טוב ודבר טוב** from the prayer of El'azar (b. Ber. 16b).

The next prayer is another example of the combination of the prayers of the Rabbis to form a new Taḥanun. It reads as follows:

"May Thy law be my labor and my work every day (**בכל יום**) and may I not err in it. Do not make me need the help of the gift of men, for their gift is scanty and the disgrace great."

The first half of the prayer is found in the Babli in the name of Zeira, and in the Jerushalmi as part of the prayer of El'azar. The Jerushalmi reading has the words **כל ימי חיינו** (or **כל הימים**) according to a Ms. quoted by Zunz) which phrase the Babli lacks. 'Amram, therefore, evidently uses the version found in the Jerushalmi. The second half of the prayer is also found in Jerushalmi in the group of after Tefilla prayers. Although it is to be said on arising in the morning and not after the Tefilla yet since the Talmud puts it in this group of prayers, 'Amram used it as material for his Taḥanun prayer.

The influence of the prayers of the Rabbis which was distinctly noticeable in all the Taḥanun texts quoted thus far, is entirely absent from the two Taḥanunim written by Saadia. (The text of these two prayers is given by S. D. Luzzato in *Literaturbl. Orient*, 1851, 387, 458, 487). Saadia derives the petitional part of his prayers directly from the Tefilla itself.⁷

⁷ In these prayers of Saadia the influence of the Tefilla is distinctly noticeable, yet we cannot expect too close an adherence to the order of ideas or the wording of the Tefilla, because this prayer is a conscious literary effect and

The Taĥanun in *Mahzor Vitry* makes extended use of the prayers of the Rabbis. On page 70, Vitry gives two Taĥanunim. The second one is the same as the one found in the *Chapters of Ben Baboi*: 'Thou who didst answer Abraham on Mt. Moriah etc.'. The first one is a rearrangement of older elements. It contains the following elaboration of the prayer of Mar son of Rabina:—

'Deliver me from all trouble and tribulation, from grief and sighing, from transgression and wickedness, from evil eye and the evil inclination.....from all enemies and wicked adversaries; and frustrate their councils and destroy their plans, and deliver me from all sorts of trouble and civil decrees.'

The phrase תן לי מן העושר והכבוד מלפניך, while echoing the scriptural verse I Chron. 29,12, also suggests the phrase in the prayer of Rab עושר וכבוד. The thought with which the prayer continues:—'Grant me sustenance without disgrace' is based upon the theme of the morning prayer of the school of Yannai (j. Ber. 7d).⁸

actuated by the desire to reflect Biblical language. However the range of ideas in the petitions clearly show that the author had the prayers of the Tefilla in mind. Thus:

ראה את עניי... הטרפני לחם חוקי... השכילני מן הדעת והחבונה אשר חתן מפך....
רפאני ה' וארפא הושיעני ואושע חבש שבר ומהץ מכתי... יר'ם שיהא הקץ הזה קץ תכלית עמך וקבצנו
והצילנו מן הגוים

and all the petitions end with תפלה ומאין צעקה. Of course all these are the natural petitions which we would expect in any prayer by a famous Jewish scholar. But the combination and the general arrangement of them can hardly be accidental. First came the personal petitions:—See my affliction, send me sustenance, grant me knowledge, heal me; then the national petitions: deliver Israel from exile and the conclusion 'Hear our voice'. This arrangement was undoubtedly suggested by the Tefilla.

⁸ More directly however, the 1st prayer in *Vitry*, p. 70, is taken from the first prayer of Saadia's prayer contains the sentence:

הטרפני לחם חוקי בנחת ולא במצור (במגור) בהיתר ולא באיסור... ואני עליך בשחתי

and Vitry borrows the sentence with very little change:

והטרפני לחם חוקי כל ימי... בנחת ולא במגור בהיתר ולא באיסור... ואני עני תלוית עליך

Saadia's prayer has the sentence:

ללמוד וללמד לשמור ולעשות, ושימי מבני העולם הבא מן המשכמים והמעריבים לבתי כנסיות ולבתי מדרשות

and Vitry has exactly the same sentence.

Thus we see that in all the early Taḥanun texts, in the *Chapters of Ben Baboi*, in the Geniza fragment published by Schechter, in *Seder Rab 'Amram* and in *Mahzor Vitry*, the prayers of the rabbis were used extensively in the creation of Taḥanun prayers.

The relation of these early Taḥanun texts with our present Taḥanun, the problem of why certain of the prayers of the Rabbis were retained in the Taḥanun to this day while others dropped out, must be left for later consideration.

⁹ The early English ritual עץ חיים (published by Kaufmann in *J. Q. R.* 1892) contains seven of the prayers of the rabbis in the ברכות השחר. It also develops an original prayer out of elements of these prayers. However a study of these prayers involves a number of problems as to the actual nature of the ברכות השחר, and would therefore lead us too far away from the subject matter of this essay.

THE CEREMONY OF BREAKING A GLASS AT WEDDINGS¹

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JEWISH CEREMONIES HAVE BEEN unduly neglected in modern times, both in study and in practice. The effects of this double neglect are reciprocally cumulative. With the decline in the practical observance of the ceremonies, the scholarly interest in them is also waning, so that very few students devote themselves to the study of the origins, and the development of the religious ceremonies. On the other hand, the failure on the part of scholars to choose religious ceremonies as subjects for scholarly research ultimately results in a general ignorance of the actual meaning and significance of the ceremonies. This ignorance of the meaning of the ceremonies naturally causes more neglect of the practical observance of them. For ceremonies are merely a means to an end. They are vessels used to carry ethical ideas, to convey religious lessons. Without a knowledge of the ideas they contain and the lessons which they are to teach they appear empty vessels, meaningless forms, which do not appeal to the people and consequently are ignored and neglected by them.

Yet it cannot be denied that the religious life, as well as the science of religion and folklore lose very much by this double neglect of the religious ceremonies.

¹ It is not my intention in this essay to give a study in comparative folklore. I merely wish to treat the development of a Jewish ceremony. For this reason I consider only Jewish practices and quote only references from Jewish sources as to the ideas underlying these practices, though numerous parallels to these ideas and practices could be cited from the customs and folklore of other people. Only in a few cases where non-Jewish influence is likely to be assumed or where direct borrowing may have taken place, reference to the non-Jewish origin or parallel custom will be given.

The religious life is deprived of a most powerful auxiliary, for ceremonies are not only a great aid in religious instruction by providing the best means of elucidating the lessons and impressing upon the minds of the people the truths of religion, but they are also of great help in training the people in the habit of putting theories into practice and translating beliefs into actions and thus live their religion.

The science of religion and folklore are deprived of a very valuable source of information about the development of religious ideas and popular beliefs, furnished by the religious ceremonies. For religious ceremonies change in their aspects and in their meaning with the change of beliefs and with the broadening of ideas experienced by those who observe them. The interpretation given to the significance of a ceremony does not merely preserve and reflect the beliefs of those who first introduced or instituted it, but it represents also the ideas of the people who retain the ceremony and who have reinterpreted it so as to meet their own religious standards or advanced theological views.

Such a reinterpretation of the meaning of religious ceremonies has been taking place in Judaism throughout its entire history. Its ceremonies have been constantly developed, more or less changed and modified and reinterpreted from generation to generation and from age to age so as to meet the religious requirements of that age and adequately express, or at least be compatible with, the theological views of that generation. True, it was not always possible to preserve all ceremonies even by means of this process of reinterpretation and continuous adaptation. It happened occasionally that all efforts at reinterpretation of a certain ceremony failed, so that the ceremony could no longer be made to convey any religious idea or be brought into harmony with the prevailing beliefs of the people, and consequently had to be entirely abandoned. But even the record of a discarded ceremony has an interesting story to tell. For it gives us valuable information about the spiritual forces that opposed and combatted it and the strength of the advanced ideas that finally brought about its elimination from Jewish religious practice.

This process of constant reinterpretation and adaptation of the Jewish religious ceremonies with the occasional abolishing or discarding of some ceremonies entirely, has been greatly stimulated and furthered by the continuous struggle which has always been going on in Judaism between the teachers and the masses of the people. The higher ethical principles and pure religious beliefs as formulated and taught by the teachers of Judaism were in constant conflict with some of the popular beliefs and superstitious ideas which lingered on in the mind of the people at large, who besides being disposed to preserve and retain older superstitions of their own, were always easily subject to the influence of environment and prone to borrow superstitions from their non-Jewish neighbours.

The Rabbis have always, directly or indirectly, opposed heathen practices and superstitions but did not always succeed in uprooting them.

The process of the development of a ceremony with its interpretations and modifications frequently takes the following course. The people will sometimes accept and retain a ceremony even if its origin be in an older heathen practice or in a foreign superstition, simply because the masses of the people are not always above these superstitions. The Rabbis will oppose such a ceremony and seek to prohibit its observance. In some cases, they succeed in their efforts and the ceremony is discarded. Sometimes, however, especially in the case of a generally accepted practice, its observance is so widespread that all the objections and protests of the Rabbis can not prevail against it. The people simply persist in observing it, and the Rabbis have to tolerate it. And if the ceremony does not violate an ethical principle and does not interfere with another religious duty, the Rabbis gradually relax their opposition. They acquiesce in its practice, considering it a popular custom, a *minhag*, which has its recognized place in Jewish religious life. All that the Rabbis then try to do is to effect slight changes in the ceremony, to modify it a little so as to remove from it some of its most objectionable features or the elements of crude superstition.

When this is impossible the Rabbis do the next best thing, that is, they ignore the superstitious element altogether. They

retain the ceremony as such without giving its meaning or explaining its significance. They never call attention to its origin and do not refer to the superstitious belief on which it is based. The real meaning of the ceremony, being thus suppressed, is gradually forgotten by the people. The next generation, receiving the ceremony without any explanation no longer realizes its original meaning. The teachers of this generation, believing it to be a Jewish ceremony since they received it from their fathers together with other Jewish practices, seek to read into it a meaning which would make it expressive of some Jewish religious idea or at least prove it to be compatible with Jewish teachings. They usually succeed in finding in the ceremony some suggestion of an idea to which they could subscribe and they imagine that this actually was the idea underlying the ceremony. They offer this as a possible interpretation of the meaning of the ceremony. They merely guess at it but the following generation accepts this guess as a certainty and believes that this was the actual significance of the ceremony and the original meaning is almost entirely forgotten. In this manner an ancient superstitious practice may in the course of time be transformed into a Jewish ceremony which is reinterpreted from generation to generation so that even the Rabbis, entirely unaware of its heathen source and oblivious of its original superstitious significance, are likely to acknowledge it as a Jewish custom or even to recommend it as a ceremony with some Jewish religious significance.

The evolution of quite a number of Jewish ceremonies could be cited in illustration of this process. In this essay I shall deal with the ceremony of breaking a glass at weddings. I select this particular ceremony because in the history of its development, with the many changes effected in its details, in the veiled objections raised against it by Rabbis at different times and in the many reinterpretations which it received in the course of time by the teachers of various generations, the process above outlined can be well illustrated and its various stages clearly traced. This ceremony goes back to very ancient times and has its origin in a heathen superstition. It belongs to a group of wedding ceremonies which are based upon a com-

mon superstitious belief and have the same significance and purpose. For this reason, while limiting myself to a study of this one ceremony in particular it will occasionally be necessary in the course of the discussion, to refer also to other ceremonies of the group.

The idea underlying this group of wedding ceremonies is an ancient heathen superstition, survivals of which are still found, in one form or another, in Jewish life and practice. It is the belief that the evil spirits or demons are jealous of human happiness and therefore seek to spoil it or to harm the happy individual. The bride and the groom about to be married are, accordingly, the objects of the envy of the demons and liable to be harmed by them. It was believed that the bridegroom was especially exposed to such danger. For the evil spirits, like the arch demons or the fallen angels of old, notice the beautiful daughters of men and desire them.² Accordingly, they would seek to kill the bridegroom or otherwise hurt him and prevent him from joining his bride, in order that they might keep the bride for themselves. The story in the book of Tobit about the demon who killed the husbands of Sarah is the classic expression of this belief among the Jewish people in ancient times, and the saying of the Talmud that the bride and groom are among those who need to be carefully watched over and guarded, is generally understood to mean that they need to be guarded and protected from attacks of the jealous demons.³ During the week of the wedding the bridegroom would, therefore, not dare to go out alone. Friends were especially appointed to guard the groom carefully.⁴ Usually the face of the bride would be covered so that the demon should not see her. Sometimes the faces of both the bride and the groom were covered in order to be hidden

² See my article on Shamḥazai in *Jewish Encyclopedia* XI. p. 228–229.

³ The saying in the Talmud (b. Berakot 54b) reads: שלשה צריכין שימור, חולה, חתן וכלה, to which Rashi remarks: שימור מן המזיקין, and he goes on to explain that the bride and the groom need to be guarded against the demons because the latter out of envy and jealousy seek to harm them.

⁴ Pirke d. R. Eliezer XVI; TASHBeZ by R. Simon b. Zadok (died 1312), 465 (Warsaw, 1875) p. 80. Among East-European Jews the custom is still observed that the bridegroom does not leave the house to go out alone during, the week of the wedding.

from the demons. The custom for brides to wear a veil and the ceremony of "Bedecken" that is covering the head of the bride or, as it was done in some countries, covering the heads of both the bride and the groom with a black and white cloth⁵ or with a Talith,⁶ as well as the custom of having the wedding ceremony performed under a canopy, though later reinterpreted to have a certain symbolic significance, were originally simple devices for hiding the bride and the groom and thus protecting them from harm by the demons. But this method of guarding the bride and the groom against the demons merely by having them hide and trying to escape their notice was not completely satisfactory. It did not, in itself, offer perfect security. Since the demons themselves are not visible, the people were never certain whether by these methods of hiding they succeeded in making the bride and the groom unnoticeable and invisible to the demons. The people, therefore, sought other means of protection from harm by the demons. There were, according to the belief of the people, three ways of avoiding the danger of the demons and of effectively warding off any attack by them.

The first was to fight the demons and drive them away. The second was to bribe them by gifts and conciliate them. The third was to deceive them by making them believe that the person whom they envy and seek to harm is not to be envied at all since he is not as happy as they imagine him to be but is rather worried and burdened with grief.

Each one of these methods found its expression in special ceremonies. And the various Jewish wedding ceremonies clearly show that all three methods were used by the people to obtain protection from harm by the demons. The method of fighting the demon was employed by Tobias who upon the advice of Rafael smoked out the demon and drove him away by the smell of the heart and the liver of the fish (Tobit VI, 7.VIII, 2-3). But not all the people have the advice of a Rafael who would give them special means wherewith to drive away the demons.

⁵ *Orhot Hayyim* by R. Aaron ha-Kohen, II, (Berlin 1902) P. 67; *Kolbo Hilkot Ishut* (Venice 1547) p. 87a.

⁶ R. Eleazar of Worms, (died 1238) in his *Rokeaḥ* 353 (Cremona 1557) p. 64a.

They would, therefore, use other means which in their belief would have the power to drive away the demons. Noises, torches, salt and iron were believed to be effective weapons against the demons.⁷ And the custom to make noise and loud music, to carry or throw about torches and light numerous candles at weddings even when they take place in the daytime⁸ as well

⁷ I shall quote here a few references to Jewish sources where the belief that these means offer protection from the demons or drive them away, is either expressly stated or presupposed. As to noise and shouting see the story in Leviticus r. XXIV, 3 (also in Midrash Tehillim XX, 7 and Tanḥuma, Kedoshim 8 and Tanḥuma Buber ibidem p. 39a) where it is assumed that the noise and the shouting helped in driving away the wicked demon. As to torches and lights see b. Berakot 43b where it is said, where there are two persons the demon might show himself but would not dare hurt them. Where there are three persons the demon would not even dare show himself. And אבוקה כשנים if one person carries a torch with him he is as safe as if he had two other people besides himself, in which case the demon would not even dare show himself. As to salt see Midrash quoted in Tosafot Berakot 40a s. v. הבא מלח and Isserles in *Sh. Ar. Oraḥ Ḥayyim* 167, 5 and especially *Kizzur Shelah* (Warsaw 1879) האכילה p. 36 where it is said that salt is put on the table in order to drive away the evil spirits לגרש הקליפות מלח יתן על השלחן וגו'. The salt used in the crowns of the bride and the groom (Tosefta Sotah XV, 8, b. Sotah 49b, and p. Sotah IX 34b) also served the same purpose. As to iron see Tosefta Sabbath VI, 13 where the practice of putting iron under one's head (evidently as a protection from the demons) is condemned as a heathen superstition דרכי אכורי. The saying in b. Pesahim 112a that when food is put under the bed the evil spirits have access to it even if it be covered with iron vessels, also presupposes that ordinarily iron vessels would protect the food from the evil spirits. In the story in Leviticus r. referred to above, it is also assumed that "beating with iron" בפרזלא מקשין was used to drive away the demon. In a manuscript work by R. Eleazar of Worms, חידושים באותיות חסרות, there is also found the statement להגן מן השדים מקיפין בברזל וכו' quoted by M. Güdemann, *Geschichte des Erziehungswesens und der Cultur der Juden* I, (Wien 1880) p. 204. In *Maharil* (Warsaw 1874), p. 6, it is recommended to put a piece of iron into the water, kept in the house during the vernal equinox לתת ברזל אל המים כל זמן התקופה so that the demon should have no access to it אין רשות למיוק. Comp. also Sabbathai Cohen in his commentary to Yore Deah 115, 6. As to similar beliefs among other people see E. Samter, *Geburt Hochzeit und Tod* (Berlin 1911) pp. 51, 58, 60, 72, and 151.

⁸ R. Eliezer b. Nathan (RABaN) of Mayence (12th century) in his work *Eben ha-Ezer* (Prague 1610) p. 128c; *Orḥot Ḥayyim* l. c.; *Tashbez* l. c.; and *Matteh Mosheh* (Warsaw 1876) p. 213. RABaN and Orḥot Ḥayyim say that the candles were used for the purpose of increasing the joy משמח שמחה,

as the custom to throw salt⁹ over the heads of the bride and the groom or to have the groom carry in his pocket a piece of iron during the ceremony;¹⁰ all these were originally intended to serve the purpose of fighting the demons and driving them away from the bride and the groom.

The method of propitiating the demons by offering them gifts also found expression in certain Jewish wedding ceremonies. The pouring out of wine and oil and the scattering of parched grain and nuts as well as dried fish and meat before the bride and the groom¹¹ were originally intended as offerings to the

Tashbez and Matteh Moshe on the other hand, explain it to be for the purpose of reminding us of the giving of the Law on Sinai. Both these explanations are but later reinterpretations by the Rabbis who no longer knew or did not like the real original meaning of the ceremony.

⁹ Rokeah l. c.; also in הלכות ארוסין ונשואין contained in the Manuscript Siddur of Orleans, see *Zeitschrift f. hebräische Bibliographie* XIII (1909) p. 17. The explanation given by Rokeah that it is to suggest that the marriage covenant between the bride and the groom be permanent and lasting through their entire life, is but a later reinterpretation.

¹⁰ Reported by A. Berliner, *Aus dem Leben der deutschen Juden* (Berlin 1900) p. 100.

¹¹ Tosefta Sabbath VII, 16 משיכין יין ושמן בצינורות לפני חתנים וכלות ולא מדרבי האמורי comp. b. Berakot 50b and in Tractate Semahot VII, it is stated more fully: מבובים לפני חתנים ולפני הכלות מחרוזות של דגים וחתיכות של בשר בימות החמה אבל לא בימות הגשמים... משיכין לפני חתנים ולפני הכלות צינורות של יין וצינורות של שמן ואין חוששין משום דרבי האמורי. The very fact that it was necessary to add the statement that one need not hesitate to perform these ceremonies on the ground that they are like heathen practices דרכי אמורי proves, to my mind, that these practices were based upon the heathen superstition of offering gifts to the demons. It is also evident that there were some objections to these practices, raised at least by some of the Rabbis. For the Rabbis knew very well of the popular superstition and of the practice of some people to offer food and drink to the demons, for they forbade such practices. The saying in b. Sanhedrin 92a המשיך כל פתיתים על שולחנו כאלו עובר עבודה זרה שנאמר העורכים לגד שולחן ולמני מסך is a protest against the practice of leaving food on the table for the demons or friendly spirits (see Rashi ad loc. and Sh. Ar. Yoreh Deah 178, 3). The Rabbis also forbade the practice of saying: "drink but leave something" as a heathen practice דרכי אמורי (Tosefta Sabbath VII, 7) because it meant, leave something as a portion for the demons, see below note 35. The Rabbis had still another good reason to object to these practices and this was on the ground that they involved the wasting of valuable food. Why then did the Rabbis tolerate these practices and even declared that one need not object to

demons to bribe them not to harm the bride or the groom. The later forms of this custom which consisted in throwing wheat¹², or wheat and coins,¹³ was to serve the same purpose of offering a bribe to the demons, though it has, of course, been reinterpreted and understood in another sense by the rabbinical authorities.

The third method, i. e. the one of fooling the demons by making them believe that the people are sad and mourning and therefore not to be envied, is represented in the ceremonies of putting ashes upon the head of the bridegroom¹⁴ or a piece of

them as being one of the *דרכי אמורי*? Simply, because these practices were too widespread among the people and the Rabbis were unable to make the people give up these cherished practices. The Rabbis tried at least to modify these practices and limit them to such food as would not become spoiled and wasted by being thrown upon the ground and they prohibited the scattering of food which would get spoiled *לפניהם אין מבזבזין* (Semahot 1. c.; comp. Rashi to b. Berakot 50b s. v. *ממשיכין*). By these restrictions and modifications they made it less apparent that these foods were intended as gifts to the demons and they could interpret these practices as having another significance either as symbolic acts suggesting plentifulness or as modes of honoring the bride and the groom. Compare also A. Büchler, *Das Ausgießen von Wein und Öl als Ehrung bei den Juden: Monatsschrift für Geschichte und Wissenschaft des Judentums*, 1905, p. 12-40.

The custom of carrying a hen and a rooster before the bride and the groom at the wedding ceremony, mentioned in b. Gittin 57a, or, as it was done in the middle ages, to let a hen and a rooster fly away over the heads of the bride and the groom (Güdemann op. cit. III, Wien 1888, p. 123) was also intended as a gift to the demons or as a sort of a substitute offering *כפרות*. See I Scheftelowitz, *Das stellvertretende Huhnopfer* (Giessen 1914) p. 10-11.

¹² RABaN 128c; Vitry p. 589; Tosafot to Berakot 50b s. v. *ולא ביטות* *והשמים* Rokeah l. c.; R. Moses Minz (15th century) in his *Rešponsa* No. 109 (Lemberg 1851) p. 100; Maharil p. 64. The explanation given by all these authorities that the practice was merely to be a symbolic suggestion that the couple may increase and multiply, as well as the other interpretation given by Rokeah that it was to be a symbol of prosperity are but later reinterpretations. The mere fact that different interpretations are given shows that those who offered these interpretations were merely guessing and no longer knew the real significance of the ceremony, see above note 8.

¹³ Berliner op. cit. p. 47; comp. also Judah Elset *מהיי העם* in the Hebrew Weekly *העברי*, edited by Meyer Berlin, New York, XI, No. 2, p. 8-9.

¹⁴ Talmud b. B. B. 60b; Vitry 1. c.; *Kolbo*, *Hilkot Ishut* p. 86d; *Tur*, Eben ha-Ezer 65; Maharil 1. c.; Moses Minz op. cit. p. 99d; Matteh Mosheh l. c.

black cloth upon the heads of both the bride and the groom, thus making them appear to be mourners.¹⁵ The custom to cry and wail at weddings indicated already in the Talmud¹⁶ but especially prevalent among Jews in Eastern Europe¹⁷ also originated in the belief that the demons might thereby be deceived into believing that the people were grieved and unhappy and desist from harming them. Possibly the custom for the bride and the groom to fast on their wedding day¹⁸ was originally meant to serve the same purpose.

It depended, of course, on the temper of the various groups of people and their personal preferences as to which one of the

¹⁵ *Kolbo*, Hilkot Tisha be-Ab p. 67c.

¹⁶ Berakot 31a see below note 23.

¹⁷ Compare *Taame ha-Minhagim* by איש ש"ב I (Lemberg 1911) p. 111 No. 955.

¹⁸ Rokeah l. c. and Tashbez l. c. mention only that it is customary for the bridegroom alone to fast and they offer different reasons for his doing this. Rokeah says that he found in an agadic Midrash that the reason why the bridegroom fasts on the wedding day till after the ceremony is to show his appreciation of the religious duty which he is about to perform, just as the pious men of former times used to fast before the performance of every religious duty which they especially liked מצאתי הברכה מצאתי מה שמחננין החתנים עד לאחר הברכה מצאתי שהיו מחננין על באגדה מפני שמצוה חביבה עליהם כדרך שעושין חסידים הראשונים שהיו מחננין על מצוה החביבה כגון לולב ושאר דברים. Tashbez gives the reason that the wedding day is like the day of the giving of the Torah on Sinai, when Israel was, so to speak, wedded to God. And just as the Israelites fasted on that day so should the bridegroom fast on the wedding day. According to this interpretation, the bride should rather fast, since Israel was the bride. *Matteh Mosheh*, p. 213, gives two other reasons for this custom. According to the one the custom was simply a drastic measure to keep the bridegroom from feasting and drinking. For in case he should get drunk and enter the marriage covenant while in a state of drunkenness, the marriage would be illegal. The other reason is that the wedding day is for the bridegroom like a day of Atonement since his sins are forgiven on that day (comp. p. Kilayim III, 3, 65cd). But one may ask if the marriage itself atones for his sins why does he need the fasting as another means of obtaining forgiveness. The same two reasons are also given by Moses Minz l. c. though he says that the custom is that the groom as well as the bride fast, and for the bride's fasting there is no reason offered. Isserles Sh. Ar. Eben ha-Ezer 61, I, also says that both the bride and the groom fast. When so many conflicting explanations are given for one and the same custom, one is certainly justified in assuming that they are all merely guesses.

three methods they would employ. Some people chose to fight, others preferred to ingratiate themselves with the demons and still others would seek to deceive them. It may be that these various ceremonies originated at different times and among different groups of the people, and it was only in the course of time that they came to be observed by most of the people. For the people who observe the ceremonies are not always consistent. They often employ ceremonies expressing contradictory tendencies, or are prompted by different and even conflicting motives in the performance of one and the same ceremony, believing it to work in different directions and to serve different purposes. In the ceremony of breaking a glass with which we are here concerned, we find all the three methods expressed. That is to say, in the manner in which it was performed at different times and in some of its details, we can see that the people, possibly at different times or in different countries, understood the significance of this ceremony differently, so that whatever method of dealing with the demons they preferred, they could use this ceremony. In other words all the three methods are represented in the details and various features of this ceremony.

We shall now trace the development of this ceremony and see how all these methods are expressed in it. We shall find that either by slight changes in one of its features or by special emphasis laid upon one of its details, by the meaning ascribed to it by the people or even by the different interpretations given to it by some rabbinic authorities at one time or another, the ceremony could be, and actually was, employed to serve all the three purposes, of fighting, bribing and fooling the demons.

The first mention of this ceremony is found in the Talmud where the following stories are told: "Mar son of Rabina made the wedding feast for his son. When he noticed that the Rabbis were very gay, he brought a precious cup worth four hundred Zuz, and broke it before them and they immediately became sad. R. Ashi made the wedding feast for his son. When he noticed that the Rabbis were very gay, he brought a cup of white glass and broke it before them and immediately they became sad".¹⁹ Significant enough, no express comment is made

¹⁹ מר בריה דרבינא עבד הלולא לבריה חוננו לרבנן דהוו קבדחי טובא אייתי כסא דמוקרא

in the Talmud about this strange performance on the part of these two Rabbis, and no direct explanation of its significance is given. Judging, however, from what precedes and from what follows these stories in the Talmud it is evident that the Talmud understood that the purpose of this performance was to avoid the danger of provoking the envy of the demons by deceiving them and making them believe that the people were sad and grieved. For, immediately preceding these stories, we are told the following story: "R. Jeremiah was sitting before R. Zera. When R. Zera noticed that R. Jeremiah was too gay and hilarious he reminded him of the saying in Proverbs (XIV, 23) which he took to mean that there is advantage in sadness. R. Jeremiah, however, answers saying 'I have the phylacteries on' "²⁰ The meaning of this conversation between R. Zera and R. Jeremiah, I believe, is this; R. Zera was afraid that the hilarity of R. Jeremiah might provoke the envy of the demons who are not too friendly to the students and are usually jealous of them.²¹ He, therefore, advises R. Jeremiah that it would be to his own advantage to appear sad. R. Jeremiah, however, answers that he is not afraid of the demons, since he has on the phylacteries which will protect him.²²

בת ארבע מאה זווי ורבר קמיהו ואעציבו. רב אשי עבד הלולא לבריה חוניה לרבנן דהוו קברחי טובא
 (Berakot 30b-31a) אייתי כסא דוניתא חירותא ורבר קמיהו ואעציבו

רב ירמיה הזה יתיב קמיה דר' זירא חויה דהוה קא ברח טובא אמר ליה בכל עצב יהיה ²⁰
 ביותר כתיב אמר ליה אנא תפילין מנחא.

²¹ Comp. b. Berakot 54b and Rashi ad loc.

²² The popular belief that the Tephillin will protect one from harm by the demons is expressly stated in the Targum to the Song of Songs VIII, 3 where it is said: אמרת כנשתא דישראל אנא בחרתא מכל עממיא די קטרא תפילין ביד שמאלי. ברשי וקביעא מוחתא בסטר ימינא דרשי תולתא לקבל תיקי דלית רשו למויקא לחבלא בי. And in Midrash Thillim XCI, 4 the same idea is expressed in a somewhat modified form. Comp. also b. Menahot 43b where the additional proof, added to the saying of R. Eliezer b. Jacob, ואומר חונה מלאך ד' סביב ליריאו, also suggests this idea. In p. Sabbath VI 8b it is declared prohibited to put the phylacteries upon a child that is frightened (by demons?) so that it may sleep. That the phylacteries will drive away the demons is expressly stated in p. Berakot V, i (8a) where R. Simeon b. Johai says that all people, even the spirits and demons, will be afraid of thee when they will see the name of God (meaning the תפילין upon the head, see b. Berakot 6a) upon thee. Compare especially b. Berakot 23ab where it is told of R. Johanan

Again immediately following the story of R. Ashi's breaking the glass, it is related there in the Talmud that when at the wedding of Mar the son of Rabina, the Rabbis asked Hamnuna Zutte to sing for them he began instead, to lament, crying, "Woe unto us for we must die".²³ This clearly shows the tendency to deceive the demons by making them believe that the people were not gay and happy but rather worried about their impending death. It is, therefore, evident from the context that the ceremony of breaking the glass or the precious cup was understood by the later Rabbis of the Talmud, to serve the same purpose of deceiving the demons, by subduing the hilarity of the people and making them appear sad for the moment.

Whether it was also intended as a sort of an offering to the envious evil powers, like "the ring of Polycrates" (Herodotus III, 40ff), as Max Grünbaum, *Gesammelte Aufsätze* (Berlin 1901) p. 111, assumes, or whether it was also believed that the demons can be frightened and driven away by the noise made by the breaking of the glass, is not in any way indicated in the Talmudic report. It certainly was not so understood by the Rabbis who performed this strange ceremony for they would not have done the act with such a heathen motive. It may, however, be safely assumed that the original meaning of the ceremony, at least in the popular belief, was to conciliate the envious evil spirits. For, evidently, this was an old established custom which in the course of time had been reinterpreted by the Rabbis and explained as merely serving the purpose of sobering up the people and causing them to be sad for a moment. Had this not been an old established popular practice at weddings, R.

that when entering the toilet-room where danger from demons was commonly assumed he would carry with him his Tephillin, saying הואיל והואיל שרונהו רבנן נטמן even when entering this place, I might as well carry them with me so that they protect me. And Rashi there explains עמי ושמרתי מן המזיקין Rashi's explanation here that R. Jeremiah meant to say, that the Tephillin prove that he had accepted upon himself the Kingdom of God, is not quite satisfactory, for this would not justify his being hilarious while having the Tephillin on.

אמרו ליה רבנן לרב המנונא זוטי בהלולא דמר בריה דרבנא לישרי לן מר אמר להו ווי לן ²³ דמיתנן ווי לן דמיתנן.

Ashi and Mar bar Rabina would not have resorted to such an expensive and wasteful method of subduing the excessive hilarity of their guests. The more so since this practice actually constitutes a flagrant violation of the religious law prohibiting waste בל תשחית.²⁴

We are, therefore, justified in assuming that we have here a case of the reinterpretation of the meaning of an older ceremony by the Rabbis who could not succeed in abolishing it altogether. In the popular mind the meaning of this ceremony was to offer a gift to the demons.

This of course was objectionable to the Rabbis, as it meant worshipping other beings besides God. However, being forced by the widespread popular usage to retain the ceremony, they tried to suppress the original idea about its significance by giving it another less objectionable meaning. This theory is further supported by the persistent silence which the Geonim and all the rabbinic authorities up to the twelfth century maintain in regard to this ceremony, for we do not find this ceremony mentioned in Rabbinic Literature before the twelfth century. This silence can only be explained on the theory that the Rabbis did not like this ceremony, they merely tolerated it, hence they did not care to discuss it or comment upon it and they even avoided the mere mention of it. But, much as the Rabbis objected to it, the people persisted in observing it and in a manner which preserved its original significance and refuted the interpretation given by the Rabbis. This is evident from the remarks of R. Eliezer b. Nathan of Mayence, RABaN (first half of the twelfth century) who discusses this ceremony in his work *Eben ha-Ezer* (Prague 1610) § 177, p. 44d. Commenting upon the stories in the Talmud (Berakot 30b-31a), RABaN recognizes the identity of the acts of R. Ashi and Mar b. Rabina with the ceremony of breaking a glass at weddings prevalent in his time.²⁵

²⁴ The Rabbis understood the prohibition לא תשחית (Deut. XX, 19) to apply to all wasteful destruction of food or property, see Midrash Agadah edition Buber (Wien 1894) II, p. 199a and comp. b. B. K. 91b and Maimonides Yad, Melakim VI, 10.

²⁵ Vitry l. c. and Tosafot Berakot 31a s. v. אייתי כסא and Rokeah l. c. also acknowledge the identity of the later ceremony with the practice recorded in the Talmud.

But he questions very much whether the reason clearly implied in the Talmud for the acts of R. Ashi and Mar b. Rabina would justify the later ceremony. He also expresses some doubts as to the character of the ceremony itself. His remarks are, as follows: ותימא לי אם על דבר זה הנהיגו הראשונים לשבר בנשואין כלי זכוכית כי מה עצבון יש בזה שאינו שוה אלא פרוטה ועוד יש לי תימה שנהגו להבזות כוס של ברכה ולשופכו הכל לאיבוד "I wonder whether it was really for this reason, that is, to make the people sad, that the former teachers instituted the custom of breaking a glass at weddings, for what sadness is there in this breaking of a glass which is not worth more than a penny. Furthermore I am surprised that they instituted such a custom of desecrating the cup over which the benedictions had been recited and pouring out its contents all to waste."

We learn from these remarks a few interesting things. In the first place, we may conclude from RABaN's words that the ceremony had been observed as an established custom from the time of R. Ashi up to the time of RABaN, so that the latter could well believe it to have been a Jewish custom instituted by the earlier rabbinic authorities. Secondly, it is apparent that the real significance of the ceremony, having been ignored and suppressed by the earlier teachers, was not known to the later teachers, for RABaN cannot find any other meaning of the ceremony but the one suggested by the context of the Talmudic reports. And although he finds it unsatisfactory he nevertheless accepts it as the only explanation for the ceremony and cannot think of any other interpretation of its significance. This illustrates the theory stated above regarding the effects which the reinterpretations of a ceremony have upon the course of its development. When the Rabbis object to a ceremony and are nevertheless compelled to retain it they give it an interpretation which would at least make it less objectionable. This interpretation is then accepted by subsequent authorities who no longer know the original significance of the ceremony. It is also evident that RABaN does not quite approve of the ceremony. He certainly does not recommend it. When he describes the ritual of the wedding with all the ceremonies to be observed at it (p. 128abc) he does not mention this ceremony.

It is only in connection with his discussion of the passage in the Talmud that he refers to it here, and from his questioning both the correctness of the interpretation and the propriety of the ceremony it is evident that he does not favor it.²⁶ Finally we learn from RABaŦ's remarks another important feature of the ceremony, as it was observed by the people. It did not consist of the mere breaking of a glass, it consisted of the breaking of the glass containing the wine over which the benedictions had been recited, so that with the breaking of the glass went also the spilling of the wine. The spilling of the wine in this ceremony must have had the same significance as the ceremony of pouring out wine and oil and the strewing of wheat, mentioned in the Tosefta quoted above, which was to serve the purpose of bribing the demons. It is evident, therefore, that in the popular belief the purpose of our ceremony was, not to make the people appear sad, but to offer a gift to the demons. If the glass was cheap its contents added to its value as an appropriate offering. No wonder RABaŦ could not see in the motive implied in the Talmud, that is, to make the people sad, a justification for this ceremony, for in the form in which it was performed in his time the ceremony failed to achieve this purpose. And to the pouring out of the wine RABaŦ rightly objects. Since he would not countenance the idea of its being an offering to the demons he could regard it only as an unlawful waste and a desecration of the cup over which the benedictions had been recited.

This indirect disapproval of the ceremony by RABaŦ, which other rabbinical authorities no doubt shared, did not have any effect on the popularity of the ceremony. It continued to be observed by the people and was even endorsed by some of the Rabbis of the time. But such objections as were voiced by RABaŦ had some effect on the development of the ceremony. For the slight changes and modifications made in it, as we shall note, the emphasis laid on one new feature in it, as well as the altogether new interpretation given to it by later rabbinical

²⁶ R. Joseph Saul Nathanson also understood that RABaŦ objects to the ceremony, for in his notes *שי למורה* to Sh. Ar. Eben ha-Ezer 65, he remarks *וראב"ן מפקס על זה*.

authorities were in all likelihood due to a desire to meet these objections and thus render the ceremony less objectionable.

This is clearly shown by the other early reference to this ceremony which is found in *Mahzor Vitry* (pp. 589 and 593) where the ceremony, with a very significant additional feature, is prescribed in the following words: וימוזג בו עוד ויברך עליו שבע ברכות וישתה וישקה וישפוך ומטיה הכוס של זכוית בכותל ושוברו "He should refill the glass with wine, recite over it the seven benedictions, drink from it and give the bride and the groom to drink and pour out (the rest) and then hurl the glass against the wall and break it".²⁷ We notice here that the objection to the ceremony had been overcome by some of the rabbinic authorities at least, for the ceremony is recommended and even prescribed. Secondly, we notice an altogether new feature which introduces a new element into the ceremony, or at least suggests a new motive for its performance. Here it is expressly prescribed that the wine be poured out. This, no doubt, was a relic of the older practice of offering wine and food to the demons. Then after the wine has thus been spilled, the other part of the ceremony takes place. The empty glass is thrown against the wall and broken. Formerly, it would seem, the glass with the wine were both intended as an offering and the breaking of the glass may have been considered as merely incidental. The main purpose was the offering of the glass and the wine. This could be achieved only by throwing the glass with its contents, the wine, at the demons, which act incidentally resulted in the glass being broken. In the form as prescribed in *Vitry* the ceremony is divided into two. The offering, which is done by pouring out the wine, is separate from the throwing and breaking of the glass. There must have been a special reason for this dividing of the original ceremony. I believe that this new feature of throwing the empty glass was prompted by a motive entirely different from the one which produced the original form of the ceremony. It represents the third method of dealing with the demons, viz. by fighting them or frightening

²⁷ In an addition, חוספות, on p. 593, it is expressly stated that the bride-groom should throw the glass against the wall and break it.

them away. This change in the ceremony may have been made to meet the objections raised against it by the Rabbis. And it was due to this modification that the ceremony could be retained after objections, such as those voiced by RABa^N, had been made to it. For, this new feature helped the people to overcome the hesitancy and the scruples which they must have felt in performing the ceremony in its original form when both the wine and the glass were offered to the demons. For offering a gift to the demons is almost like worshipping them to which the religious conscience objected. But fighting the demons is theologically less objectionable. The inconsistency presented by the spilling of the wine which is a form of making an offering and the throwing of the glass which is a form of fighting was probably not realized by the people. The mere fact that the wine was poured out on the ground and not thrown together with the glass in the direction of the demons was sufficient to make it appear that the wine was not intended as an offering to the demons.²⁸ That the smashing of the empty glass was intended as a method of fighting the demons is further evident from the fact that it was flung at the wall. This plainly indicates that the missile was aimed at the demons. For the demons were believed to lurk under the spouts of the roof close to the wall. (comp. *Hulin* 105b). Of course, Vitry ignores this implied significance. He explains the meaning of the ceremony by merely referring to the Talmudic interpretation of the saying in Proverbs XIV, 23 that there is an advantage in appearing sad.²⁸ But this interpretation can hardly explain why the wine

²⁸ It may also be that the pouring out of the wine was considered by some of the people to be, not an offering to the demons, but a means of driving them away. Just as the Christians in those days believed that the blessed water had the power of driving away the demons, the Jews could also believe that the wine of the *ברכה של כוס* would have the same effect. This would explain the special feature of this practice, mentioned in Tashbez l. c. namely to scatter the wine, when pouring it out, over the entire house *על פני כל הבית*. Tashbez himself, however, explains this feature to have merely a symbolic significance, suggesting that God will bless the house with plenty of good things, comp. b. *Erubin* 65a.

²⁹ The same interpretation is also given by Rokeah l. c.

demons were believed to be, to throw the glass at them, thus either hurting them with the broken pieces of glass or frightening them by the noise which the shattering of the glass makes. The significance of the other feature, mentioned in Maharil, namely, that immediately after the throwing of the glass they hurry away with the bridegroom, also becomes clear to us. Maharil's explanation of this running away of the bridegroom, as being a joyous manner *שמחה דרך* is hardly correct, for one fails to see what special joy there can be in thus running away. In the popular belief this running away was for the simple purpose of escaping danger. Before the demons have time to recover from their fright and rush upon the bridegroom to attack him the people hasten to get away with him. They were especially anxious to get him into the wedding chamber before the bride is there for the demons might endeavour to prevent him from joining his bride.

It further appears from the description in Maharil that at that time, that is at the beginning of the 15th century and in Germany at least, the ceremony was again performed in its original form, namely, that the glass with its contents, the wine, were thrown at the demons and not in the form in which it is described in Vitry, namely, that the wine was first poured out and then the empty glass thrown against the wall.³² Thus we see how in the various features of this one ceremony all three methods of dealing with the demons found expression. The people who observed this ceremony believed that by one or the other of its features it can serve the purpose of effectively warding off the danger of the demons. Whether they preferred to deceive the demons by appearing sad and unhappy or to bribe them by offering them the wine as a gift or to fight them by throwing the glass at them and hurting them, they could well use this ceremony to achieve their aim.

Of course all these ideas about the efficacy of this ceremony were entertained only in popular belief. The Rabbis, with the exception of the few among them who were strongly inclined to mysticism, did not share in these crude superstitions of fight-

³² See below reference of R. Pinehas Horowitz to the form in which the ceremony was observed as late as the 18th century

ing the demons and certainly not in the theologically objectionable idea of offering them gifts, which is a form of worship. For this reason Vitry gives only the one explanation of the meaning of the ceremony that it is to remind us not to be too gay. And from the fact that Maharil, though describing the ceremony in detail, does not give any explanation of its meaning and even seeks to explain the feature of running away, which clearly points to the superstition of fighting the demons, as being merely a "form of joyousness" it is also evident that he did not share in the popular superstitions and sought to ignore them. This illustrates our theory, stated above, about the attitude of the Rabbis towards popular superstitious practices. When unable to abolish an objectionable ceremony simply because the people in their superstition cling to it, they at least try to ignore the real meaning of the ceremony and seek to suppress or explain away the crude superstition on which the ceremony is based. We may safely assume that the majority of the Rabbis did not care much for this ceremony, considering that but very few authorities mention it. Possibly the ceremony would have been more strongly opposed and eventually even entirely abolished by the Rabbis had it not been for an altogether new interpretation given to it, an interpretation which freed it entirely from all the objectionable superstitious beliefs with which it had been intimately connected.

This new interpretation is found in *Kolbo* הלכות חשעה באב (Venice 1547) p. 67, where speaking of the various reminders of the duty to mourn for the destruction of Jerusalem, the author also mentions our ceremony in the following words: ועל זה פשט המנהג לשבור הכוס אחר שבע ברכות "For this reason also the custom became prevalent to break the cup after the recitation of the seven benedictions at weddings". This is an altogether new interpretation and is probably original with the author of the *Kolbo* (14th century).³³ For, as we have seen, RABaN

³³ Though R. Moses Minz l. c. quotes this interpretation in the name of the "Zuricher", meaning R. Moses of Zurich, the author of the "Zuricher Semak". See about him Dr. Ch. Lauer in *Jahrbuch der Jüdisch-Literarischen Gesellschaft* XII (Frankfurt am Main 1918) p. 1-36.

Güdemann, op. cit. III (Wien 1888) 122 cites another opinion about

could not think of any other meaning of the ceremony than the one suggested in the Talmud. And Vitry also knows only of one reason for the ceremony, namely the advantage and safety that may come to one from appearing sad, and that even in joy one should tremble. But it did not occur to RABaN or Vitry to connect this ceremony with the duty of mourning for Jerusalem. Evidently, the author of the Kolbo, or whoever first gave this interpretation, objected to the superstition underlying the meaning of the ceremony as suggested in the Talmud, namely that the demons seek to harm the happy people and that by appearing sad the wedding guests may deceive the demons and ward off their attacks. He, therefore, accepted only part of the suggestion of the Talmud, namely, that the ceremony was intended to cause the people to be sad, but he interpreted the purpose of being sad differently from that suggested by the context in the Talmud. He took it not as a means of deceiving the demons, but as a reminder of the destruction of Jerusalem and of our duty to mourn for it on all joyous occasions when we are likely to forget it. It was this interpretation that saved the ceremony and made it acceptable to the majority of the Rabbis. For this interpretation removed from the ceremony the element of crude superstition, so that even enlightened pious people could well observe it.

It took some time before this altogether new interpretation was accepted by the majority of the teachers, but it gradually came to be recognized as the most acceptable interpretation of the ceremony. It is significant that the leading rabbinical authorities of the 16th century who mention this ceremony as Joseph Caro in *Bet Joseph Orah Hayyim* 560, Moses Isserles in *Darke Moshe* and *Shulhan Aruk Orah Hayyim* 560, 2 and *Eben ha-Ezer* 65, 3, and Mordecai Jaffe in *Lebush*, *Hilkot Tisha be-Ab* 560, 2³⁴ do not give any details as to how the cere-

the significance of this ceremony, namely, that it was merely a symbolic act, declaring the marriage as legally contracted and valid. This opinion, whose author GÜDEMANN does not mention by name, hardly deserves any consideration.

³⁴ In *Lebush*, however, there is still preserved a trace of the original significance of the ceremony, namely, to drive away the demons,. He says:

mony is to be performed, such as are given by Vitry, Maharil and Moses Muenz. They do not even quote these authorities and they also ignore the connection between the ceremony and the story in Talmud Berakot. They only mention the ceremony with the interpretation given to it by *Kolbo*, viz. that it is to serve as *זכר לחורבן* a reminder of the destruction of Jerusalem. Evidently this was the only interpretation of the ceremony acceptable to them and they did not care to point out the details of the ceremony which clearly indicate that the ceremony originally served another purpose. This other purpose, or the original significance, of the ceremony, however, was not entirely forgotten by the people even though the majority of the teachers accepted only the new interpretation. The people, and some of the teachers more inclined to mysticism, continued to take the ceremony in its original meaning and to perform it for the purpose of warding off the danger of the demons. For, as it frequently happens, no matter what the advanced teachings of the enlightened authorities may be the people retain their cherished superstitions and some of the less advanced teachers will encourage them in their superstitious beliefs. Thus we find R. Isaiah Horowitz in his *Shne Lufot ha-Brit* (Fuerth 1764), section *שופטים*, p. 378a, quoting Recanate, gives the following explanation of the significance of the ceremony: *ועל כן תקנו לשבור את הכוס בשעת חופה כדי לתת למדת הדין חלקו ועל ידי כן* ועולתה תקפץ פיה "Therefore have they instituted the custom of breaking the glass at the wedding, in order to give to the accuser his due portion whereby iniquity will close her mouth." Here it is expressly stated that the purpose of the ceremony is to offer a bribe to Satan or the demons, for THE ACCUSER and INIQUITY are but circumlocutions for Satan and the demons.

להבהיל זה נוחין לשבור הכוס תחת החופה להבהיל ולמעט השמחה. The word להבהיל "to terrify" or "dismay" can only mean to terrify the demons and frighten them away, for whom else would they wish, or believe, to frighten at the wedding. Possibly, the words *שמחה* ולמעט השמחה may have the same significance which is implied in the Talmud and in Vitry and Rokeah, namely not to appear too happy. The author of the *Lebush* may have repeated this interpretation from another source in which the ceremony was understood in its original significance, though *Lebush* himself, no doubt, understood the ceremony as being a *זכר לחורבן* for he mentions it in *Hilkot Tisha be-Ab*.

This plain statement about the purpose of the ceremony made by Recanate in the fourteenth century and endorsed by R. Isaiah Horowitz in the beginning of the seventeenth century, is very interesting. It shows that in the fourteenth century, at about the same time when Kolbo gave his new interpretation to the ceremony, the people and some authorities still held on to the older meaning of the ceremony as being a means of warding off the danger of the demons. It also shows that in the sixteenth or the beginning of the seventeenth century after all the leading rabbinic authorities had accepted Kolbo's interpretation, there were still some great teachers, like Horowitz, who, because strongly inclined to mysticism, accepted and endorsed the older explanation of the significance of the ceremony.³⁵ This clearly proves the correctness of the statement made above that even after the official authorities reinterpret a ceremony to harmonize with their theological views the original meaning of the ceremony with its underlying superstitions does not entirely disappear from the mind of the people and even of some of the teachers. This observation will also help us to understand some of the changes and modifications subsequently made in our ceremony.

The new interpretation of the ceremony as serving the purpose of reminding us of the destruction of Jerusalem, though accepted by the majority of the rabbinical authorities, did not preclude further developments of the ceremony. On the contrary, quite a few significant changes and modifications were made in the performance of this ceremony after the new interpretation had been accepted by the majority of the Rabbis. In the first place we notice that in the 16th century the ceremony was observed not only at weddings but also at engagement parties. This extension of its observance was compatible with

³⁵ According to Shelah, the ceremony was performed in the older form, i. e. to smash the glass with the wine in it, thus spilling the wine as an offering to the demons. For the breaking of an empty glass could not be considered as offering to the demons their due portion. The idea of bribing the demons by giving them their due portion is clearly stated in *Matteh Mosheh*, 306 and 504, where the pouring out of part of the wine at the Habdalah ceremony is explained to be such an offering to the demons.

the new interpretation. For, if the purpose of the ceremony was to remind us on all joyous occasions of the destruction of Jerusalem, then it should by right be observed also on the joyous occasion when we celebrate the engagement. And so the custom of breaking pots and dishes at engagement parties came into use.³⁶

Another significant change made in the ceremony was that instead of breaking the cup over which the seven benedictions, or *ברכות נשואין* had been recited, as prescribed by Vitry and Maharil, they would break the cup over which the benediction over the betrothal, or *ברכות אירוסין* had been recited. What caused this change was a superstitious fear of another danger that might threaten the bride and the groom besides the danger from the jealousy of the demons. Superstition is not consistent. Superstition which originally considered the ceremony of breaking the glass as a sort of protective measure, believing it to have the effect of warding off the danger of harm by the jealous demons, now sees in this very ceremony a new danger. It considers the breaking of the cup over which the marriage benedictions had been recited a bad omen since it might augur a possible breaking of the marriage bond, suggesting a dissolution of the

³⁶ The earliest direct reference to this custom that I could find, is R. Yomtob Lippmann Heller (died 1654) in his *Malbushe Yomtob*, quoted by R. Elias Spira in *Elijahu Rabbah*. Commenting on the passage in Shulḥan Aruk Oraḥ Ḥayyim (or Lebus?) 560, 7, R. Elias Spira quotes from Heller's work the following remark: *ונראה לי שזהו הטעם שמשברין הקדירה בכתיבת התנאים* "It seems to me that this (i. e. to remind us of the destruction of Jerusalem) is also the reason why they break pots at the time of the writing of the engagement pact." He does not explain, however, why just pots be broken at the engagement party and not a glass as at weddings. The fact is that this interpretation of the custom of breaking earthen vessels at engagement parties is not correct. Its real purpose was to drive away the demons for which broken pottery was considered more effective. Just as the Germans would break pots on the evening before the wedding, *Polterabend*, in order to drive away the demons that threaten the bride and the groom, see Samter, *op. cit.* p. 60. That this was also the purpose of the Jewish custom is evident from the fact that just at the moment when the pots are broken the people present make noise and shout *מזל טוב* "good luck". For, certainly there would be no reason for making noise and shouting *Mazel Tob* at the moment when one is to be reminded of the destruction of Jerusalem and of the duty to mourn for it.

marriage just now contracted. That this was the reason for substituting the cup of the ברכת אירוסין for the cup of the ברכות נשואין is plainly stated by R. Moses Muenz (*Responsa* No. 109, Lemberg 1851 p. 100a) when he says וראיתי רבתי נהגו ליקח הכוס הראשון לזרוק ולשבר ולא זכיתי לשאל מהן טעמא מאי למה דוקא כוס ראשון ונראה קצת טעמא כיון דיש עתה שני כוסות טוב ליקח ולשבר כוס של אירוסין כי כוס של נישואין אתי לגמר הזיווג ומברכין והתקין לו ממנו בנין עדי עד לכן אין סברא לשבר כוס של נישואין שמורה חס ושלום על שבירת העניין כי אמרין סימנא מילהא And Isserles (*Darke Moshe Orah Hayyim* 560 and *Sh. Ar. Eben ha-Ezer* 65, 3) likewise says that the custom in his city was that the bridegroom would break the cup over which the ברכת אירוסין had been recited. Isserles also tells us of another change in the ceremony as it was observed in the city of Cracow where he lived, and this was to recite the ברכת אירוסין over an earthen cup, and this was done because of the fact that they would break this cup and not the cup of the ברכות נשואין. He says: ובעירנו נוהגין שהחתן משבר הכוס שמברכין עליו ברכת אירוסין ולכן נהגו לברך ברכת אירוסין על כוס של חרס, He does not explain how the use of an earthen cup for the ברכת אירוסין was the necessary consequence of the custom of breaking this cup instead of the one over which the marriage benedictions had been recited. He must have had in mind the custom of breaking pottery at the engagement ceremony. Since the betrothal אירוסין is more of an engagement than a wedding hence when the ceremony of breaking the cup is performed at that part of the wedding ceremony which represents the betrothal the cup to be broken should be of the same kind as the vessels broken at engagement parties.³⁷ This custom of using an earthen cup for the ברכת אירוסין seems to have been merely a local custom in Cracow and was not accepted in other places. From all the references to this ceremony that I could find it appears that the distinction between breaking dishes at engagement parties and breaking the cup at weddings was strictly maintained. For the former they required earthen pots or dishes while for the latter they insisted upon a glass. Various explanations are offered for this dis-

³⁷ Compare R. Joseph Teomim (1727-1793) in his משבצות זהב to Orah Hayyim 560,4 who gives a fuller discussion of Isserles' statement.

tion and reasons given why specifically pottery should be broken at engagements and a cup of glass should be broken at the wedding.³⁸

The custom, however, of breaking the cup of the *ברכת אירוסין* instead of the one of the *ברכות נשואין* was almost universally accepted. And to my knowledge there is but one reference to the custom in some place of breaking both the cup of the *ברכת אירוסין* as well as the one of the *ברכות נשואין*.³⁹ Besides the reason given by R. Moses Muenz as quoted above there are other explanations offered by some authorities why the cup of the *ברכות נשואין* should not be broken. These other explanations give the entire ceremony an additional symbolic aspect suggesting the relation between God and Israel. Thus R. Joseph Trani, the younger (1573–1644) in his *Zofnat Paaneah* to section Matot (Venice 1653 or 1648), p. 196c, states that the custom is to break the cup of the *ברכת אירוסין* and that it must be of glass. And the reason why it must be of glass only is because then the ceremony not only reminds us of the destruction of Jerusalem but at the same time also suggests the hope that the breach in the relation between God and Israel caused by

³⁸ R. Joseph Teomim l. c. makes the following remark: ויראה לשבור תחת החופה כוס שלם ואין משום בל תשחית כיון שעושים לרמו מוסר למען יתנו לב מה שאין כן בתנאים שעושין להבהיל ולמעט השמחה ראוי ליקח קדירה שבורה חרס מחרסי הארסה לשבור והבן זאת. He does not say whom the broken pottery is to terrify, להבהיל, and by adding the words, והבן, he apparently hints at something which he does not care to express. He must have had in mind the popular belief about the purpose of this ceremony. See above note 36 and comp. Elset in Haibri X, No. 39, p. 10–11. For another suggestion why glass should be broken at weddings, see R. Samuel Edels in his *Novellae* to Berakot 31a. R. Elija Gaon of Wilna is reported to have said that the reason why just pottery must be broken at engagements is in order to suggest that just as the broken earthen vessels cannot be repaired so engagements should never be broken: אמר בשם הגאון זצ"ל שמה הטעם שוברין בעת התנאים כלים של חרס שכיון שנשברו אין להם תקנה כן אסור לבטל התנאים ובחופה שוברין כלי זכוכית שיש לו ספר סדר שיערי רחמים (quoted in תקנה להדבק כן יש תקנה להערך בנט Jerusalem 1896 in שאלות p. 19 No. 134. The same interpretation is ascribed by others to R. Israel Baal Shem (Besht), see *Taame ha-Minhagim* I. p. 113a.

³⁹ See R. Hayyim b. Israel Benveniste (1603–1673) in his *ננסח הגדולה* to Eben ha-Ezer 65.

the destruction of Jerusalem will yet be repaired just as a broken vessel of glass can be repaired (comp. b. *Ḥagigah* 15a). This hope, he goes on to say, is further emphasized by taking another cup, a whole one, and reciting over it the marriage-benedictions, suggesting thereby that God will again be glad to do good to His people and betroth them unto Him in faithfulness forever.⁴⁰

While Trani explains the practice to keep the cup of the marriage-benedictions unbroken as a symbolic sign that in future the relation or the bond between God and Israel will be everlasting, there is no doubt that in the popular belief the keeping of the cup of the marriage-benedictions intact was to suggest a good omen that the marriage bond of the couple whose wedding had just been celebrated will remain unbroken. Compare also R. Joseph Teomim (1727-1793) in his *משבצות זהב* to *Orah Ḥayyim* 560, 4.

While these Rabbinical authorities thus explained the ceremony as reminding of the destruction of Jerusalem and as suggesting the hope of a renewal of God's relation with Israel as of old, the people, in some countries at least, continued to perform the ceremony in its original form and for the original purpose of giving the demons a bribe. This is evident from a statement of R. Pinehas Horowitz (died 1805) in the *קונטרס אחרון* of his *ספר המקנה* (Offenbach 1786) p. 256. Horowitz like R. Joseph Teomim (op. cit.) explains away the objection that might be raised to the ceremony of breaking the glass on the ground that it involves a violation of the law of *בל תשחית*. But he strongly objects to the manner in which the ceremony was performed in his time in Germany, that is, the breaking of the cup while it is full of wine *מלא יין* *באשכנו לשבור הכוס מלא יין*. This he thinks is wrong since the spilling of the wine is an act of *בזוי אוכלין* a slighting of food and thus despising God's gifts. We see from this that even as late as the second half of the 18th century the custom in Germany, or at least in certain parts of Germany, was to throw the cup of wine to the ground, thus smashing the glass and spilling the wine. Evidently then

⁴⁰ He says as follows: עכשיו נהגו לשבר הכוס של זכויות של ברכת אידומין משום עונת נפש זכר לחורבן ורומז בתקוה שכשם שזכויות שנשברה יש לה תקנה ונוטלין כוס שלם ומברכין ברכות נישואין לומר שעתיד הקב"ה לשוב לשוש עלינו לטוב כמה שנאמר וארשתוך לי באמונה וכו'

it was intended as a gift to the demons.⁴¹ This is clearly stated by a contemporary of Horowitz, R. Uri Feivel b. Aaron in His *אור החכמה*. Part II (Laszczow 1815) p. 6b. He describes this throwing of the glass with the wine as the portion due to the "Other Side" which is always desirous of bringing about destruction and separation *והוא חלק לסטרא אחרא שרוצה תמיד בהרבן ופירוד*. The "Other Side" is a designation for Satan and the evil spirits. They are desirous of doing harm and bringing about separation, hence we give them a bribe to desist from harming the marrying couple or trying to separate them. Thus we see that all the interpretations of the Rabbis and their efforts to make this ceremony merely of a symbolic character were not sufficient to uproot from the mind of the people the old superstition that the ceremony is intended as a bribe for the demons to make them more friendly to the marrying couple. It was left to another superstition to defeat this old supersition, and remove it from the mind of the people at least in connection with this ceremony.

It seems that the people began to be afraid of breaking even the cup over which the benedictions of the betrothal were recited. Since both the *ברכת אירוסין* and *ברכות נשואין* are at present parts of the ritual by which the marriage is solemnized, the people entertained the fear that the breaking of the cup over which either one of these benedictions had been recited might augur a breach in the marriage bond. The custom was, therefore, introduced of breaking another glass altogether, i. e., one which has not been used in connection with the performance of the marriage ceremony at all. They usually have in readiness another glass especially for the purpose of being broken. This is now the general practice as far as I know and the earliest reference that I can find is one by R. Joseph Teomim in his *משבצות זהב* l. c. where he says: "But I have seen the custom that they take a glass cup for the benedictions of the betrothal. It seems however that they do not break this cup after the marriage benedictions but it is another glass that they break after the recital of the seven benedictions." *אבל ראיתי המנהג שלוקחין כוס זכוכית לאירוסין ומכל מקום נראה שאין שוברין אותו אחר גישואין כי אם כוס אחר שוברין אחר שבע ברכות*

⁴¹ See above notes 32 and 35.

This latest form of the ceremony has also revived and developed some other superstitions. The idea of fighting the demons seems to have been revived and the successful smashing of the glass by the bridegroom is taken as a good omen, auguring that he will subdue and smash all his enemies.⁴² If however the bridegroom should fail to crush the glass with the first stamping of his foot, as would happen if the glass slips away from under his foot, then it augurs ill for him. It might suggest that his enemies will escape from him or that he will fail to defeat them. To avoid the occurrence of such a bad omen it is customary to wrap the glass in a handkerchief so that it will not slip away when he steps on it and thus he will be sure to crush it with the first stamping of his foot.

⁴² There is a suggestion of this popular belief in the mystic saying ולאחר החופה שוברין כוס שהוא בסוד הפח נשבר שהוא שבירת הקליפות quoted in Taame ha-Minhagim I. p. 111 No. 955. The Palestinian Jews also wrap the glass in a handkerchief and while it is being broken the assembled guests recite also the verse from Ps. 124, 7: "The snare is broken and we are escaped". The wrapping of the glass in a handkerchief also serves the purpose of preventing any of the broken pieces from getting lost. It is a popular belief among the Palestinians Jews that if one familiar with witchcraft got hold of the broken pieces he could by means of it bewitch the groom, making him sick and preventing him from joining the bride. Hence they are very careful to gather up all the pieces of the broken glass and bury them. See A. M. Luncz, *Jerusalem* I (Wien 1882) Hebrew section p. 7-8.

THE LAW OF NATURE, HUGO GROTIUS, AND THE BIBLE

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I

THE IDEA OF AN UNWRITTEN LAW as sometimes differing from and superior to the written and enacted law of the State is very old. The well-known passage in the *Antigone* of Sophocles has often been quoted, where Antigone appeals from the orders of King Creon to the *ἄγραπτα κάσφαλῇ θεῶν νόμιμα* (*Antig.* V, 454), "the unwritten and unfailing statutes of the gods". Creon, King of Thebes, had issued a decree forbidding on pain of death the burial of Polyneices, who fell while fighting against the city of Thebes. Antigone, the sister of Polyneices and a niece of the King, disregards the royal order and sprinkles dust on the dead body of her brother, a ceremony that is equivalent to burial. Brought before the King, she acknowledges her deed. In answer to Creon's question,

"And thou didst indeed dare to transgress that law?" she says:—

"Yes; for it was not Zeus that had published me that edict; not such are the laws set among men by the Justice who dwells with the gods below; nor deemed I that thy decrees were of such force, that a mortal could override the unwritten and unfailing statutes of heaven. For their life is not of to-day or yesterday, but from all time, and no man knows when they were first put forth". The contrast here is between a law of man and a law of God.

Socrates also, as we are told in the *Memorabilia* of Xenophon (IV, 4), distinguished between the written and the unwritten law. The former consists of those rules or enactments of

men which they pass by agreement. The latter are due to the gods. Laws which are found all over the world can not possibly be due to agreement or convention, hence they must come from the gods. He cites as an example, obedience to parents—a rule that is recognized everywhere. Another test of an unwritten law is that nature herself avenges its violation. Thus the law forbidding incest belongs to the unwritten law, for incestuous marriages result in feeble and defective progeny. Here, too, the contrast is between rules of human origin, due to convention or agreement, and laws of God, which spring from the author of all being. Naturally the latter supersede the former when the two conflict.

Aristotle makes a similar distinction in two places, in the *Rhetoric* and in the *Nicomachean Ethics*. In the *Rhetoric* (I, 13, 2), Aristotle distinguishes between *ἴδιος νόμος*, the particular law, which each community defines for itself, and *κοινός νόμος*, the universal unwritten law of nature (*ὁ κατὰ φύσιν*). There is a universal idea of the right and the wrong which exists by nature irrespectively of any mutual compact among men. And he cites as an example the statement of Antigone quoted above that she had a right and a duty to give burial to Polyneices in spite of the edict, on the ground that it is a duty imposed by nature. It will be noticed that the word "nature" does not occur in the words of Antigone, and the words god or Zeus are not mentioned by Aristotle. A good many years had passed between the two periods, and with them a radical change had taken place in Greek thought. Besides Aristotle is deliberately a naturalist and does not pass into supernaturalism unless he absolutely must.

In the *Nicomachean Ethics* (Bk. V, 1134b 18ff.) Aristotle distinguishes between natural and legal (*νομικόν*) justice. Natural justice is that which has everywhere the same force and is not dependent on human opinion. Legal justice is that which gets its authority from the fact that it has been enacted. It is conventional in its nature, and before its enactment is a matter of indifference. Natural justice is for the most part unwritten, conventional justice is written. Precisely what is meant by saying that a given thing is just by nature is not made clear. A test of natural justice is that it does not vary with place and

time, though Aristotle admits that such a test if regarded strictly would make all justice conventional, for ideas of justice do vary with time and place. Besides, even if there were certain rules which satisfied the strict test of ubiquity, the question would still remain what is meant by saying that this ubiquity is due to their naturalness. Is there a way of finding whether a law is natural without having to go on a journey around the world to find out whether the law is everywhere observed?

The Stoics developed the Aristotelian doctrine further. They identified Nature, as a principle immanent in the world and guiding it, with Reason. Nature is Cosmic Reason, of which the physical laws are the expression. But man is a part of the universe, a part of nature, hence reason is a part of the cosmic or divine reason. And in man too, nature is identical with reason. That is, true human nature is that which human reason dictates. That is in accordance with nature which is in accordance with reason. Hence the Stoic formula that the aim of man should be to live according to nature.¹

Epicurus gave an empirical turn to the question by suggesting that natural justice is an agreement made for the sake of the common advantage (op. cit. 516). This connects the element of naturalness in a law with its utility, though it leaves open the question whether a law is natural because it leads to the common advantage, or whether a law leads to the common advantage because it is natural. In other words it is still uncertain whether utility is the essence of natural law, or whether it is merely a test, though to the pragmatist the test or verification is identical with the truth to be tested.

The first Code of Rome was that of the Twelve Tables, the date of which is 451-450 B. C. This represented the *ius civile*, the civil law, the word "civil" being used not in contrast with criminal, which is a comparatively modern antithesis, but signifying the law of the *civitas*, the city-state. It was a law strict and formal. A transaction, such as a sale, was not binding on the parties unless certain formalities of word and act were

¹ Hildenbrand, *Geschichte und System der Rechts- und Staatsphilosophie*, p. 509.

strictly carried out. The mere fact that the one party agreed to sell and the other party agreed to buy and the agreement was mutual and reciprocal and made by both sides in good faith with the intention of being mutually bound was not sufficient to make the transaction legally valid, so as to enable the party injured by the other's breach to invoke the aid of the State to compel the guilty party to make good the loss which the plaintiff suffered.

These formalities, however, which were necessary for the legal validation of a transaction, could be employed only by Roman *cives*, or citizens. A foreigner was not admitted to these privileges. The law of Rome was a civil law in this sense that it protected the rights of citizens only. This exclusiveness could be borne without a great deal of inconvenience as long as Rome depended upon itself alone to supply the needs of its citizens, as long as the life of the people was simple, and foreign commerce was non-existent or in its infancy. For the number of foreigners having any dealings with Rome would at that time have been very small, and it would not be necessary to tamper with the civil law for their benefit. But as soon as Rome came into close and more frequent contact with the peoples round about them, and the number of foreigners who settled in Rome, temporarily or permanently, increased, their anomalous situation began to be felt not merely by themselves, but by the Romans also. For the formalities of the civil law applied only to transactions in which the two parties were Roman citizens.

The idea of applying the formalities of the civil law to transactions between two foreigners did not seem proper to the Roman magistrates, very likely because of the close connection between these formalities and religious ritual. The modern territorial principle by which the private laws of a country have jurisdiction over every one residing within the territory of the country, whether as citizen or not, did not exist at that time. But it was similarly out of the question to apply the law of the land to which the plaintiff or the defendant belonged, for that was practicable only where the two parties came from the same country. The difficulty seems to have been met in the following way. An examination of the laws of the various

peoples and tribes round about Rome led the Roman jurists to recognize that while they differed in matters of form, each having its own peculiar ceremonial or ritual, as Rome had its own, there was something common to them all, such, for example, as the requirement of *traditio* or delivery, before a sale was valid, and that this common requirement seemed to be of the essence of the transaction. Accordingly they would validate a transaction in which one of the parties was not a Roman citizen, though there were no formalities associated with it, provided it exhibited these essential requirements which were common to all nations. In this way there was developed in the office of the Praetor, especially after the appointment in 242 B. C. of a *praetor peregrinus*, a magistrate of foreign relations, as we may call him—there developed a new body of legal rules and procedure which was free from the rigid formalism of the civil law of Rome, and was based upon the common sense of the various situations, and laid stress upon the ordinary rules of good faith, fairness and justice. It existed side by side with the “*ius civile*” and was called in contradistinction to the latter, *ius gentium*, the law of the nations, meaning the law common to the several nations with which the Romans came into contact.

It is easy to see that in the course of time it became obvious to the magistrates and the jurists that the *ius gentium* gave better satisfaction all around than the traditional *ius civile*, and the result was that without *formally* repealing or modifying the traditional law (this seemed almost as impossible as among the Jews for the law of the Talmud to repeal the law of the Bible), in the end the *ius gentium* superseded the *ius civile* as a result of methods which it does not concern our present purpose to describe.²

What does concern us is the influence exerted by the Stoic philosophy upon Roman jurisprudence. Cicero was not merely a statesman and an orator. He was also a lawyer, and a philosopher. He was a student of Greek philosophy and popularized in his various writings, “*De natura deorum*”, “*de officiis*”, “*de legibus*”, “*de republica*”, etc., the social and ethical philosophy

² Sohm, *Institutes of Roman Law*, §§ 11-18.

of the Greeks. The Stoic philosophy appealed to the Romans more than the other systems, either because it suited the Roman character best, which was practical rather than metaphysical, or because it was more prevalent at that time than the Platonic or Aristotelian. And Cicero was not the only Roman jurist who was trained in Greek philosophy. The great jurists of the Augustan and post-Augustan age, such as Antistius Labeo, Masurius Sabinus, Cassius and others were also familiar with Greek philosophy.

Reflecting on the Stoic idea of a law of nature, which is the same as the law of reason, it does not seem strange if the Roman jurists jumped at the conclusion that the *ius gentium*, since it was based on the ideas common to many nations, must owe its existence to that nature of which the Stoics spoke, which was the same as reason. And thus *ius gentium* and *ius naturale* or *ius naturae* came to be identified. (Hildenbrand, *op. cit.* 563f.). Thus Gaius (fl. under Antoninus Pius and Marcus Aurelius, d. after 178) says in the Institutes:—

“All nations which are governed by statutes and customs make use partly of law which is peculiar to the respective nations and partly of such as is common to all mankind. Whatever law any nation has established for itself, is peculiar to the particular state, and is called civil law, as being the peculiar law of that State, but law which natural reason has laid down for mankind in general is maintained equally by all men, and is called *ius gentium*, as being the law which all nations use” (I, 1).

Ulpian, however, distinguishes between the two. By the law of nature he says all men were born free, and it is the *ius gentium* that has introduced slavery (Dig. I, 1, 4).

In the Institutes of Justinian, which was the elementary text book of the Justinianian Corpus Juris (533 A. D), both statements are embodied, without indicating their incompatibility (Inst. I, 2, 2). At any rate the two-fold division of law into *ius civile* and *ius naturale*, with which *ius gentium* is identified, is more common than the threefold, *ius civile*, *ius gentium*, and *ius naturale*, being adopted by Paulus, Marcian, Florentinus, Licinius Rufus, as well as by Gaius. “Civil” and “natural” are the two frequently contrasted adjectives. There is civil and

natural *cognatio*; rights can be acquired either *civiliter* or *naturaliter*; possession and obligation may be civil or natural; and so on. (Moyle, *Imperatoris Justiniani Institutionum Libri Quattuor*, 5th ed. 101, note).

It is worthy of notice that though the Institutes were published in the sixth century and compiled under the auspices of a Christian emperor, there is no reference to the law of the Old Testament, and no attempt made to find a place for it in relation to *ius civile*, *ius naturale* or *ius gentium*.

St. Augustine, without being directly concerned with jurisprudence and the classification of law, speaks of a "lex aeterna", the Eternal Law in the mind of God, which is the standard of all law and governs the City of God, meaning the community of the good, who have the true faith and live by it (*De Libero Arbitrio*, ch. 6). Whether he said anything more specific about the place of the law of the Old Testament in relation to the *lex aeterna*, I do not know. But we know that there was a tendency in Christian times subsequent to Augustine to identify the Law of Nature with the law of God. Isidore of Seville, writing early in the seventh century, says, "All laws are either divine or human. The divine rests upon nature, the human upon custom; and the latter accordingly differ among themselves, because different laws have pleased different nations."³ This passage was incorporated in the twelfth century in the introductory paragraphs of the *Decretum* of Gratian, the oldest part of the collected Canon Law. Gratian himself says, "Mankind is ruled by two things, natural law and customs. Natural law is that which is contained in the Law and the Gospel, whereby every one is commanded to do to another that which he would have done to himself, and is forbidden to inflict upon another that which he would not have inflicted upon himself." Here we have an identification of the law of the Old Testament with the law of nature. This identification might suggest that the immutability of a natural law is not without exception, seeing that the laws of clean and unclean in the book of Leviticus are no longer in force. Gratian, however,

³ Dist. Prima, ch. 1. See Bryce, *Studies in History and Jurisprudence*, Oxford, 1901, vol. 2, p. 157.

is unwilling to yield this point. For he says about natural law, "Naturale ius inter omnia primatum obtinet tempore et dignitate. Coepit enim ab exordio rationalis creaturae, nec variatur tempore, sed immutabile permanet". The discrepancy thus arising between theory and fact, Gratian explains as follows:

"In Lege et in Evangelio naturale ius continetur, non tamen quaecumque in Lege et Evangelio inveniuntur naturali juri cohaerere probantur. Sunt enim in Lege quaedam moralia praecepta, ut non occides, etc., quaedam mystica, utpote sacrificiorum praecepta, ut de agno, et alia similia his. Moralia mandata ad naturale ius spectant, atque ideo nullam mutabilitatem recepisce monstrantur. Mystica vero, quantum ad superficiem, a naturali iure probantur aliena: quantum ad moralem intelligentiam inveniuntur sibi annexa, ac per hoc etsi secundum superficiem videantur esse mutata, tamen secundum moralem intelligentiam mutabilitatem nescire probantur. Naturale ergo ius ab exordio rationalis creaturae incipiens, ut supra dictum est, manet immobile."

The gist of Gratian's solution is that the moral part alone of the Old Testament is identical with natural law and unchangeable, not the mystical in its literal sense, though in its moral sense that too is unchangeable.

The attitude of the Scholastic philosophers to this matter may be derived from Thomas Aquinas, who is the best representative of mediaeval Christian thought.

Thomas Aquinas like Augustine believes in a *lex aeterna*, an eternal law, which is in God alone. It is nothing else than the divine reason as governing the world.⁴ This eternal law is of course unknown to us as it is in itself, but it is known by rational creatures in its irradiation, for all knowledge of truth is a certain irradiation and participation of the eternal law.

This participation of a rational creature in the eternal law, by virtue of which it has an inclination to realize its proper end, is called natural law.⁵ This natural law is unchangeable in the

⁴ *Lex aeterna nihil aliud est quam ratio divinae sapientiae, secundum quod est directiva omnium actuum et motionum. Summa Theologica, Prima Secundae XCIII, Art. 1.*

⁵ *Ibid.* XCI, art 2.

sense that nothing can be taken away from it. In other words a thing that was once a part of natural law can never cease to be a part of it. The first principles therefore of natural law are absolutely unchangeable, such as "bonum est faciendum et prosequendum et malum vitandum," but the secondary principles which are derivative and conclusions as it were which follow from the primary principles, may in some cases change, being dependent as they are on specific circumstances. Natural law is not unchangeable with regard to additions. Laws have been added over and above natural law, both by divine and human imposition, useful for human life.⁶

In addition to eternal law and natural law, Thomas Aquinas posits human law and divine law.⁷ Human law is that which is imposed by the State, but it must not be opposed to natural law, or it is not to be styled law, but corruption of law. Its relation to natural law is partly that of a conclusion to its premises, partly that of a determination to the indeterminate. Thus by natural law it is wrong to do harm to your neighbor. From this human law concludes that it is wrong to kill. This is a deduction. Again, by natural law the wrongdoer must be punished. By human law he is given a determinate penalty, say five years' imprisonment. This is determination. In either case therefore, human or positive law is derived from natural law. This twofold derivation of the positive human law from natural law Aquinas identified with the Roman distinction between *ius civile* and *ius gentium*. Both are human laws; both are positive laws, and both are derived from natural law. But *ius gentium* is derived by way of deduction, and hence is prevalent among many or most nations, while *ius civile* is derived from natural law by way of determination, and hence is not the same everywhere, for an offence which in one place is punished with imprisonment may in another place be punished with fine.

Positive *human* law, however, is not enough, for the following reasons; first, the purpose of law is to enable man to realize his ultimate end or destiny. This surpasses the measure of

⁶ Ibid. XCIV, art 5.

⁷ Ibid. XCV to CVIII.

the natural human powers, for the end of man is no less than eternal blessedness (*beatitudo aeterna*). Hence it was necessary to have a divine law. Second, man's judgment is fallible, especially in matters contingent and particular. This gives rise to difference of opinion and error. To insure certainty in matters of importance, a divine law is necessary. Third, human law can regulate only that which it can judge, namely external acts. Internal acts and motives are beyond the sphere of human law, and yet they must be regulated in order to realize complete virtue. Hence divine law is necessary. Fourth, human law cannot punish or forbid all evil deeds, for in attempting to do so, it runs the risk of preventing good deeds at the same time, to the detriment of the common welfare. Hence there is a necessity of the divine law. These four causes are indicated in Ps. 18(19), 8: "*Lex domini immaculata, convertens animas, testimonium domini fidele, sapientiam praestans parvulis.*" The divine law is two-fold, the old and the new. The old law was given to Israel only. It consists of moral, ceremonial and juridical laws. The moral laws all pertain to natural laws, i. e., they are in accordance with reason and hence in agreement with natural law, though some of the rules are such as not every one would be able to deduce for himself. Every one would know by nature that it is right to honor father and mother, that it is wrong to kill, to steal, etc. It requires more reflection to recognize the value of the precept *מפני שיבה תקום והדרת פני זקן* (Lev. 19, 32), and it is still more difficult, nay, impossible without divine instruction to deduce for oneself the rule against making a graven image or likeness of what is in heaven above, etc., (Exod. 20, 4), or taking the name of God in vain (*ib.* 7). Now all these precepts in the old law which are expressive of natural law are obligatory upon all mankind, not because they are contained in the old law but because they are of the law of nature. But the other precepts which are not of the law of nature were intended for Israel alone and are not binding upon others.

One would suppose that the Jews, who lived by the law of the Bible, would have been especially interested, in ancient and mediaeval times, in working out the relations between the various kinds of law and the place of the Biblical law therein.

But we find very little or nothing of legal speculation in Jewish literature. The legal literature of the Jews is not speculative. The sages of the Talmud were no doubt familiar with Roman law and embodied some of the Roman rules in their own legal disquisitions. But their purpose was practical and casuistic, but not at all theoretical. Or rather they had a very simple theory, which they felt no need of revising. This was the Biblical theory that the Biblical law is the result of direct revelation. This was enlarged by the doctrine of the written and the oral law, which authorized the Talmudic Rabbis to go on adding to the Biblical law and in many cases virtually repealing it under the guise of interpretation. The oral law is according to the doctrine referred to coeval with the written and implicit therein. Hence subsequent legislators are not innovators, provided they can in some way derive their new laws from the Bible by interpretation. Naturally what is known in law as fiction was resorted to, and fiction is apparently the only process of development to be seen in the Jewish law, attempts to the contrary by a recent writer⁸ (to show equity and legislation) notwithstanding.

This theory was all sufficient to the practically minded Rabbis of the Talmud. It is doubtful whether the very word nature occurs in the Talmud. The Hebrew word טבע, Ar. "tabia", is post-talmudic in the sense of nature and belongs to the Arabic period.^{8a} It can safely be said that there are not to be found in the Talmudic literature any speculations of a general nature about law as an institution. The only remarks which have some bearing on our subject are, first, a division of the laws into those which concern the relations of man to man, and those which concern the relations of man to God. Another observation is to the effect that there are certain laws which man would have found out for himself even if they had not been specially revealed. The example of certain animal species is referred to as teaching certain virtues, such as modesty and one or two others (Erubin, 100b). This observation bears some resemblance in a very rudimentary way to the idea of a law of nature in the sense of Ulpian, who says that the law of nature is common to man and beast.

⁸ Nathan Isaacs, "The Law, and the Law of Change" (65 *Pa. Law Review*, 659-679, 748-763).

^{8a} See L. Ginzberg in Efros, "*Philosophical Terms in the Moreh Nebukim*", New York, 1924, p. 134, s. v. טבע.

Beyond these two remarks there is not any theorizing about law in the Talmud.

Theoretical speculation among the Jews, as is well known, in the Alexandrian as well as in the Hispano-Arabic period owed its appearance to the clash of Hebraism and Hellenism. Greek philosophy had worked out a physics, a metaphysics, a logic, a psychology, a theology, and a political theory, the latter including the rudiments of a legal theory. The Jews eagerly adopted and more or less assimilated all of Greek philosophy except their political and legal theory. Those doctrines only which had a direct bearing on theology seemed to interest them. Not having a state of their own, they had lost all sense of politics and the only law they knew was the law of God as revealed in Bible and Talmud. If they had come in contact during this their speculative period with the Roman law, they probably would have been led to theorize on the relation between the Biblical, the Talmudic, and the Roman law, and thus might have developed a theory of law as they developed a theory of the relation between religion and philosophy. But neither their Arab masters nor the Jews themselves in Arabian countries had knowledge of the Roman law. And the Jews in Christian countries had no speculative interests at all. Accordingly we find nothing of a theoretic nature concerning the nature of law in general. The only remark which may be said to have to do with the nature of law is the division of the Biblical laws, into rational and dogmatic (שמעיות, שכליות), a distinction which is adumbrated in the Talmudic dictum mentioned before, and which is found also among the Arabs. The rational commandments are those which the human reason, unaided by revelation, would have been able to discover by itself, because they have a reason. The dogmatic commandments are those which if they had not been revealed, the human mind would not have developed of its own accord, for it knows not the reasons of them (Husik, *Hist. of Mediaeval Jewish Philosophy*, p.39). It is not until we come to the close of the philosophic period among the Jews, and in a work of almost the last representative of the philosophic movement in mediaeval Jewry, Joseph Albo of the fifteenth century, that we find a classification of law into divine, natural, and conventional, and

a discussion of each (*Ikkarim* I, ch. 7). As Albo is more a compiler and popularizer than an original mind, it is scarcely likely that this division is original with him. And as this division does not occur in the writings of his predecessors,^{8b} there is a suspicion of scholastic influence, possibly that of Thomas Aquinas. For it is noteworthy that in praising the divine law as superior to the natural and conventional, Albo, too, like Aquinas, makes use of the verses in the nineteenth Psalm, carrying through his exposition at greater length than Aquinas. However, this is not conclusive. The use of Biblical verses to confirm rational analysis being a method of long standing in Christian as well as Jewish speculation in the Middle ages, two writers might easily have hit upon the verses in the nineteenth Psalm, which so obviously lend themselves to such application. The legal classification itself in Albo differs from that of Aquinas, and the source of Albo's division must therefore remain uncertain for the present.

II

After the rather lengthy introduction, which will be useful in giving us the historical background of the ideas in question, we may now proceed to consider Hugo Grotius's contribution to the matter of legal classification. Hugo Grotius belongs to the modern era. He was born in 1583, at the end of the 16th century, and did his work in the 17th. He was a Protestant, a Dutchman by birth, having been born in Delft, though his literary work for the most part was done outside of his nativeland, from which he was exiled, or rather exiled himself by escaping from prison. He was a prodigy and a genius. He received the degree of doctor of laws at the age of 15, and tried his first case at the age of 17. His erudition was stupendous. He was a classical scholar, a jurist, a theologian, a poet, a statesman, and he was an Oriental scholar besides. Not being the equal of Selden in Oriental knowledge, he without doubt knew Hebrew, Aramaic, and Syriac, and was familiar with Rabbinic Hebrew. He cites the Talmud, the Aramaic translation of the Bible, which he calls Chaldaeus, the Syriac of the Gospel of Matthew, Maimonides, the Biblical commentator "Bechai", Rashi (Rabbi

^{8b} Maimonides, "*Guide*" II, 40, makes a distinction between חזרה גומית and תורה אלהית. This may have influenced Albo.

Solomon), Rabbi Levi ben Gerson, Menasseh ben Israel (Conciliator), and others. It is hard to determine how many of these he read in Latin and how much in the original Hebrew.

The work of Grotius in which we are interested is his *chef d'oeuvre*, *De Jure Belli et Pacis*. This, as is well known, is the foundation of modern international law. The edition used for the preparation of this paper is the Cambridge edition of 1853 in three volumes, which contains the text in the Latin original and an abridged translation by the encyclopaedic Wm. Whewell. The writer has used Whewell's translations instead of making his own, except here and there where passages of the Latin text are omitted by Whewell, as not necessary for the general purpose of understanding Grotius's principles of international law.⁹

In his Prolegomena to the work, Grotius remarks that "The civil law, both that of Rome, and that of each nation in particular, has been treated of with a view either to illustrate it or to present it in a compendious form by many. But international Law, that which regards the mutual relations of several Peoples, or rulers of Peoples, whether it proceed from nature, or be instituted by divine command, or introduced by custom and tacit compact, has been touched on by few, and has been by no one treated as a whole in an orderly manner. And yet that this be done concerns the human race."

For there are people, he continues, who think that there is no such thing as international law, except as a mere name, that for a king or a city which has an empire to maintain, nothing is unjust which is useful; or that for those who have supreme power, the equity is where the strength is; that war is far from having anything to do with rights is not only the opinion of the vulgar, but even learned and prudent men often let fall expressions which favor such an opinion. It is very usual to put "rights" and "arms" in opposition to each other.

"But since," he continues "our discussion of rights is worthless if there are no rights, it will serve both to recommend our

⁹ The writer quoted Whewell's version freely without in all cases using quotation marks.

work and to protect it from objections if we refute briefly this very grave error". This he accomplishes by showing that man has certain properties peculiar to him, which are not found in the lower animals, and that among these properties is a desire for society, i. e., a desire for a life spent in common with fellowmen; "and not merely spent somehow, but spent tranquilly, and in a manner corresponding to the character of his intellect..... And therefore the assertion that, by nature, every animal is impelled only to seek its own advantage or good, if stated so generally as to include man, cannot be conceded..... Even in infants we see, previous to all teaching, a certain disposition to do good to others, as for example, compassion breaks out spontaneously at that age. But inasmuch as a man of full age has the knowledge which enables him to act similarly in similar cases; and along with that a peculiar and admirable appetite for society; and has also language, an instrument of this desire, given to him alone of all animals; it is reasonable to assume that he has a faculty of knowing and acting according to general principles. This tendency to the conservation of society which is in agreement with the nature of the human intellect is the source of Natural Law, properly so called. To this natural law belongs the rule of abstaining from that which belongs to other persons; and if we have in our possession anything of another's the restitution of it or of any gain which we have made from it; the fulfilling of promises and the reparation of damage done by fault; and the recognition of certain things as meriting punishment among men."

"All this would have great weight", he says, "even if we were to grant, what we cannot grant without wickedness, that there is no God, or that he bestows no regard on human affairs. But since we are assured of the contrary of this...it follows that God is to be obeyed by us without exception...And here we are brought to another origin of law, besides that natural source, namely the free will of God...But even that natural law of which we have spoken...may be rightly ascribed to God, because it was by his will that such principles came to exist in us.

"To this we must add that these principles God has made more manifest by the laws which he has given, so that they may

be understood by those whose minds have a feeble power of drawing inferences, and he has prohibited the perverse aberrations of our affections, which draw us this way and that, contrary to our own interest and the good of others.

"Further the Sacred History, besides that part which consists in precepts, offers another view which in no small degree excites the social affection of which we have spoken; in that it teaches us that all men are sprung from the same parents, and hence it is wrong for man to intend mischief toward man.

"In the next place, since it is conformable to natural law to observe compacts (for *some* mode of obliging themselves was necessary among men, and no other natural mode could be imagined), Civil Rights were derived from this source, mutual compact. For those who had joined any community or put themselves in subjection to any man or men, those cities expressly promised, or from the nature of the case must have been understood to promise tacitly, that they would conform to that which either the majority of the community, or those to whom the power was assigned, should determine. We find therefore that the Mother of Right, that is of natural law, is human nature; and the mother to Civil Laws is obligation by mutual compact. And since mutual compact derives its force from Natural law, Nature may be said to be the Grandmother of Civil Laws. Natural Law is *re-inforced* by utility and utility is the *occasion* of Civil Laws.

"Further as the Laws of each community regard the utility of that community, so also between different communities, all or most laws might be established which should enjoin the utility not of special communities but of that great aggregate system of communities. And this is what is called the Law of Nations, or International Law; when we distinguish it from natural law."

Grotius has thus proved the existence of rights on the basis of Nature, as well as of Scripture—rights of individuals within a nation and rights of nations as regards one another. Accordingly Grotius continues, "It is so far from being proper to admit that in war all rights cease, that war is never to be undertaken except to assert rights; and when undertaken is never to be car-

ried on except within the limits of rights and of good faith. . . Be it so then that in the conflict of arms, laws must be silent, but let this be understood of laws civil, judicial, proper to peace; not of those laws which are perpetual and accomodated to all time.

"I, for the reasons which I have stated, holding it to be most certain that there is among nations a common law of rights which is of force with regard to war, and in war, saw many and grave causes why I should write a work on that subject. For I saw prevailing throughout the Christian world a license in making war of which even barbarous nations would have been ashamed; recourse being had to arms for slight reasons or no reason; and when arms were once taken up, all reverence for divine and human law was thrown away, just as if men were thenceforth authorized to commit all crimes without restraint."

"Moreover", he adds touchingly, "having practised jurisprudence in public situations in my country with the best integrity I could give, I would now, as what remains to me, unworthily ejected from that country graced by so many of my labors, promote the same subject, jurisprudence, by the exertion of my private diligence."

"It remains now", he then proceeds, "that I briefly explain with what aids and with what care I undertook this work.

"In the first place, it was my object to refer the truth of the things which belong to natural law to some notions so certain, that no one can deny them, without doing violence to his own nature. For the principles of such natural law, if you attend to them rightly, are of themselves patent and evident, almost in the same way as things which are perceived by the external senses. . . In order to give proofs on questions respecting this natural law, I have made use of the testimonies of philosophers, historians, poets, and finally orators. Not that I regard these as judges from whose decision there is no appeal. . . but I quote them as witnesses whose conspiring testimony. . . must be referred to some universal cause, which in the questions with which we are here concerned can be no other than a right deduction proceeding from the principles of reason, or some common con-

sent. The former cause of agreement points to the Law of Nature, the latter to the *ius gentium*.

"The books written by men inspired by God, or approved by them, I often use as authority. . . There are writers who allege the Old Law as a proof of the Law of Nature; but undoubtedly without sufficient reason; for many parts of that law proceed from the free will of God; which however is never at variance with the true Law of Nature; and so far an argument may rightly be drawn from it; provided we distinguish accurately the command and will of God, which God sometimes executes by means of men, and the rights of men toward one another. We have therefore shunned so far as we could both that error, and the error contrary to that, of those who think that after the promulgation of the new covenant there is no longer any use for the old one. We hold the contrary; both for the reasons which we have now alleged, and because the nature of the New Covenant is such that with relation to the precepts which are given in the Old Testament pertaining to the moral virtues, the New Testament commands the same, or greater virtues of the same kind; and we see that the ancient Christian writers have used the testimony of the Old Covenant in this manner.

"But in order to see what is the knowledge which the books of the Old Testament contain, the Hebrew writers may help us no little; and especially those who were best acquainted with the discourses and manners of their countrymen."

It is because he has confidence in the Post-Biblical Hebrew writers and their understanding of the Hebrew Bible, that, as was mentioned before, he quotes the Rabbinical literature of the Talmud and the Middle Ages as authorities on the meaning of the Bible—a practice that has quite gone out of fashion.

He concludes the Introduction or Prolegomena characteristically for his day, "And now if I have said anything which is at variance with sound piety, with good morals, with holy scripture, with the unity of the Christian Church, with truth in any form;—let that be as unsaid."

The first book of the "*De Jure Belli et Pacis*" deals with the justice of war, the nature of sovereignty and the duty of subjects to superiors. It is prefaced however by an introduction

on the origin of Rights and Laws. In that discussion he approves of the Aristotelian distinction mentioned above between natural law (*δίκαιον φυσικόν*) and voluntary or legal law (*δίκαιον νομικόν*) or instituted law (*τὸ ἐν τάξει*). He adds that in Hebrew similarly, when the language is precise (*cum distincte loquuntur*), natural law is called *נצח*, and instituted law is called *חקק*, citing as his authority Maimonides, *Guide of the Perplexed*, III, 26.¹⁰

Grotius defines natural law as follows:—

“Natural Law is the dictate of right reason, indicating that any act from its agreement or disagreement with the rational (and social) nature (of man) has in it a moral turpitude or a moral necessity; and consequently that such act is forbidden or commanded by God the author of nature.”

The test of anything that claims to be natural law is two-fold—a priori and a posteriori. *A priori* by showing the agreement or disagreement of anything with the rational and social nature of man. *A posteriori*, when by certain or very probable accounts, we find anything accepted as natural law among all nations, or at least the more civilized.

Natural Law is so immutable that it can not be changed by God himself. . . . Just as God cannot make twice two not to be four, so he cannot make that which is intrinsically bad not to be bad. For as the essence of things, when they exist, and by which they exist, does not depend on anything else, so is it with the properties which follow that essence; and such a property is the baseness of certain actions, when compared with the nature of rational beings.

Yet sometimes in acts directed by Natural Law, there is a seeming of change, which may mislead the unwary; when in fact it is not Natural Law which is changed, but the thing about which that law is concerned. Thus if a creditor gives me a receipt for my debt, I am no longer bound to pay him; not that Natural Law has ceased to command me to pay what I owe, but because I have ceased to owe it. So if God command any one to be slain or his goods to be taken, this does not make lawful homicide or theft, which words involve crime; but the act will no longer be

¹⁰ He made a slip. Maimonides uses *משפטים* for the *שכליות*; does not speak of natural law, however (Vol. I, ch. I, sect. IX, 2).

homicide or theft, being authorized by the Supreme Lord of life and of goods (Ibid. Sects X–XII).

Positive or Instituted Law is either human or divine. Divine instituted law is that which has its origin from the divine will. In such law it may be said, but with reserve, that God did not command the act because it was just, but that it was just because God commanded it. This law is given either to the whole human race or to one nation. To the human race the law has thrice been given by God; at the creation, immediately after the deluge, and at the coming of Christ. These three sets of laws oblige all men, as soon as they acquire a sufficient knowledge of them (Sect. XV).

There is one nation in particular to whom God has especially given his laws, namely the Hebrew people, as we read in Deuteronomy 4, 7: "For what great nation is there that hath God so nigh unto them, as the Lord our God is whensoever we call upon him? And what great nation is there that hath statutes and ordinances so righteous as all this law which I set before you this day?" Also Psalm 147, 19–20, "He declareth his word unto Jacob, His statutes and His ordinances unto Israel. He hath not dealt so with any nation; and as for His ordinances, they have not known them."

It is erroneous to suppose, as some Jews have done, (Trypho, for example, in his disputation with Justin Martyr) that those of other nations in order to be saved, must submit to the Jewish law. For the law does not oblige those to whom it is not given; and it tells us itself to whom it is given, by saying, "Hear, O, Israel." And the Jews are perpetually spoken of as under a special covenant, and chosen to be a peculiar people of God; as Maimonides proves from Deut. 33, 4, "Moses commanded us a law, an inheritance of the congregation of Jacob."

There were, however, always living among the Jews certain devout persons, in Hebrew called חסידים אומות, ut legitur titulo Talmudico de Rege (note, *et titulo de Synedrío*, cap. 11). They are called in the law בן נכר Lev. 22, 25, גר וחושב ibid. 25, 4, ubi Chaldaeus dixit incolam incircumcisum עַרְל חֹתֵב. These,

as the Jewish doctors teach, were bound to obey the laws given to Adam, and to Noah, to abstain from idols, and from blood, and some other matters; but not to observe the peculiar Jewish laws; except that some laws expressly direct that not only the Jews but the stranger within his gate should be bound by them, as for example the Sabbath, *Exod.*, 20, 10.

It was also permitted to strangers to worship and to sacrifice in the Temple; but standing in a peculiar place, separate from the place of the Israelites. Compare the prayer of Solomon, *Kings*, 8, 41:—“Moreover concerning the stranger that is not of thy people Israel, when he shall come out of a far country for thy name’s sake . . . when he shall come and pray toward this house; hear thou in heaven thy dwelling-place, and do according to all that the stranger calleth to Thee for.”

The prophets speaking to strangers, Elisha to Naaman, Jonah to the Ninevites, Daniel to Nebuchadnezzar, and other prophets to the Tyrians, Moabites and Egyptians, never say that they were required to submit to the law of Moses.

Hence we learn, Grotius continues, that we are not bound by any part of the Jewish law, peculiarly so called; because all obligation extraneous to Natural Law comes from the will of the Lawgiver; and there is no indication that it was the will of God that others besides the Israelites should be bound by that law. We have therefore no occasion to prove the abrogation of this law; for it could not be abrogated with regard to those who were never bound by it. With regard to the Jews, the obligation of the ritual law was removed on the promulgation of the Gospel, cf. *Acts* 10, 15. The rest of the Jewish law was abolished by the dispersion of the Jewish nation.

Since, then, the law of Moses can not impose any direct obligation upon us, let us see if it can be of any other use in questions of the rights of war and the like.

In the first place, the Jewish law shows that what is commanded by that law is not contrary to Natural Law. For Natural Law being as we have said, perpetual and immutable, God, who is never unjust, could not command anything against that law. Add that the Law is called right, pure, holy, just and good. *Ps.* 19, etc.

This is true of precepts. With regard to permissions we must distinguish. Permission as a mere fact (that is by saying nothing, as the law does concerning actions altogether indifferent) need not be considered. Permission legal, is either plenary, which gives a right to do a thing entirely lawfully; or less full, which only gives impunity among men, and a right not to be impeded by any other person. Permission of the former kind, no less than precept, proves that the matter so stated is not against Natural Law. With regard to permission of the latter kind the case is different. But this inference (from the law of Moses to Natural Law) rarely occurs: because where the words of permission are ambiguous it is more convenient to infer from the Natural Law the kind of the permission, than from the kind of permission to infer the agreement with Natural Law.

We remark also that it is now lawful for the rulers of Christian states to make laws of the same purport as the laws of Moses; except those Mosaic laws of which the whole substance belonged to the time when Christ was expected, and the Gospel not yet revealed, or except Christ has commanded the contrary generally or specially. With these three exceptions there can not be devised any case in which that which was formerly instituted by the Law of Moses should not be within the lawful sphere of instituted law at present.

In the third place: Whatever is commanded by the law of Moses, connected with the virtues which Christ requires from his disciples, that at least if not more, is due from Christians. The foundation of this remark is this: that the virtues which are required of Christians, as humility, patience, kindness, are required in a greater degree than they were under the Jewish law; and that with good reason, because the heavenly promises are more and more clearly given in the Gospel. Thus the Old Law concerning the Sabbath and the law concerning tithes show that Christians are obliged to devote not less than a seventh part of their time to divine worship, and not less than a tenth part of their income to support those who are engaged in sacred things, or for similar pious uses (Sects. XVI-XVII).

So far the general part of Grotius's doctrine concerning the Old Testament as a source of law. What is of particular interest

here in Grotius's formulation is that while he does not identify the Old Testament law with the Natural Law he maintains that its precepts can not be against Natural Law. This statement without further qualification would give him trouble. For example, he might find it difficult to reconcile with Natural Law the command "Thou shalt not suffer a witch to live", or the command to exterminate the entire family and household of Achan because he violated the command of God through Joshua not to take any of the property of the people of Jericho, or the apparent approval of Jephthah's sacrifice of his daughter because of the ambiguous vow. Accordingly Grotius makes a distinction between the command and will of God, which God sometimes executes by means of men, and the rights of men toward one another, intimating that the Law of Nature does not apply to God's will. For as he says in another place, God as the author of our lives and our goods can take them away if he chooses. But this does not give man a right to take a life or confiscate goods except in accordance with Natural Law. In the second place he makes a distinction between that which Natural Law commands and that which it merely permits. All that part of the Old Testament Law which was intended for the Jews only belongs to this part, i. e., natural law neither commands nor prohibits this part of the law. Finally, Grotius seems to feel that even these qualifications are not sufficient. There are some permissions apparently of the less full kind which Grotius could not reconcile with his idea of Natural Law (He does not give examples). Hence he introduces the subtle remark that the inference from the law of Moses in such permissions to Natural Law is rare. Such permissions, he intimates, are ambiguous, and instead of saying that the thing being permitted it must be in accord with Natural Law, we should say: since the thing is not in accord with Natural Law it is not permitted, and the Biblical expression should be understood differently. This no doubt was the motive at the back of the Rabbinic interpretation of "eye for eye, tooth for tooth, etc.", though they did not formulate their probably unconscious reasoning. Finally, one great fault of Grotius's attitude to the Bible is the one that is inherent in the traditional point of view, with its idea of what

has been called mechanical revelation. The Bible as the direct word of God is supposed to be complete and perfect, irrespective of time and place. Hence all in it must be on the same level, and it must not be inconsistent. Ezekiel must not differ with Genesis, not to speak of Deuteronomy differing from Leviticus. This leads to peculiar ideas and interpretations, as illustrated in the third part of this paper.

III

This part of the paper will take up the specific instances in which Grotius uses the Bible to confirm his legal ideas.

He has just proved that all war is not contrary to Natural Law (Ch. II, sect I). This conclusion, he says, is further proved from the sacred history. Abraham made war upon the four kings who had plundered Sodom and was thereupon blessed by Melchisedec (*Deus per sacerdotem suum Melchisedec factum eius probavit*). This he did without the special mandate of God, as appears by the history: he must therefore have been justified by Natural Law, for he was a most holy and wise man, as even heathen authors declare (Berosus and Orpheus).

I do not use, he says, the history of the Seven peoples whom God gave up to be rooted out by the Israelites, for the Jews had a special command for thus dealing with people guilty of enormous crimes; whence these wars are in Scripture called the wars of the Lord, as being undertaken by the command of God, and not by the will of man. An example more to the purpose is that in which the Jews, under Moses and Joshua, resisted the attack of the Amalekites (Exod. 17, 8) which God did not command beforehand, but approved when it was done.

But further God prescribed to his people general and perpetual laws concerning the mode of carrying on war (Deut. 20, 10, 15); showing plainly by this that a war may be just without a special mandate; for the case of the nations of Canaan is there distinguished from the case of other nations. And inasmuch as nothing is here said as to what are just causes of war, this shows that they are assumed to be known by the light of nature. Thus we have Jephthah's war against the Ammonites concerning the

occupation of land (Judg. 11, 18), David's war against the same people for the insult done to his ambassadors (II Sam. 10, 4).

This proves that by Natural Law all wars are not condemned (ibid. II).

That by the voluntary or instituted law of nations wars are not condemned, we have evidence enough in the histories, laws, and customs of all nations. Concerning instituted divine law there is more difficulty. Nor is the objection valid, that Natural Law is immutable and therefore can not be changed even by God, for this is true as to what is commanded or forbidden by Natural Law but not as to what is only permitted. Things of that kind are not properly under Natural Law but extraneous to it, and may be forbidden or commanded by instituted law.

The first passage usually brought from Scripture to show that wars are unlawful is the law given to Noah (Gen. 9, 5, 6). What is there said. "Your blood of your lives will I require, at the hand of man will I require it", some understood in the most general sense, and what is said afterwards, "Whoso sheddeth man's blood by man shall his blood be shed", they regard as a threatening, not an approval. . . . I can not assent, Grotius says, to either opinion. The interdict concerning the shedding of blood is not of wider extent than the command "Thou shalt not kill", and this, it is plain, does not prohibit either capital punishment or wars. And the one law as well as the other does not constitute any new offence, but only declares and repeats the natural law obliterated by evil custom. Whence the words (sheddeth man's blood) are to be understood as including criminality in the act: as the word homicide does not mean *any* killing of a man, but an intentional killing of an innocent man. What is added, "his blood shall be shed", in turn appears to me to imply not the mere fact, but the Law of Justice.

My explanation of the matter is this. It is naturally equitable that whatever evil any one has inflicted, the same he shall suffer according to what is called the Law of Rhadamanthus. Cain with a sense of this natural equity said (Gen. 4, 4): "Everyone that findeth me shall slay me". In the earliest times, however, for various reasons, this was not enforced; the manslayer was indeed shunned by man, but not put to death: as Plato directs

in his *Laws* (IX, 864 ff.), and as Euripides states the usage of Greece in his *Orestes* (511, seq.), so Thucydides, and Lactantius.

The example of Cain was regarded as establishing a law, so that Lamech (Gen. 4, 24) promised himself impunity from this example after the like deed.

But since before the deluge, in the age of the giants, violence had become general, when after the deluge God restored the race of men, he provided by increased severity against the recurrence of the evil; and repressing the lenity of the former time, he gave his permission to that which was naturally equitable, that he who slew a homicide should be blameless, which afterwards, when tribunals for high crimes were instituted, was confined to the judges. Yet a vestige of the ancient usage remained in the right of the avenger of blood, even under the law of Moses, of which we shall hereafter speak.

We have a strong confirmation of this interpretation in Abraham who though he must have known the law given to Noah, took arms against the four kings. So Moses directed the Israelites to fight against the Amalekites, not specially consulting God on this point. Add to this that capital punishments are applied not only to homicides but to other criminals, not only among other nations, but in the chosen people of God (Gen. 38, 24).

In fact men proceeded from like to like, by the light of reason in their conjecture of the divine will, and had judged that what was the appointed punishment of homicides was equitable also towards other great criminals. For there are things which are to man of no less value than life, as good fame, virginity, conjugal fidelity; and things without which life can not be safe, as a reverence for the sovereign authority which holds society together; so that those who assail these objects are held as no better than homicides.

Connected with this is the tradition extant among the Jews, that there were given by God to the sons of Noah several laws; which are not all recorded by Moses, because it was enough for his purpose to give them afterwards as included in the particular law of the Hebrews. Thus it appears from Lev. 18, 6, that there was an ancient law against marrying persons near of kind, though no such law is previously mentioned by Moses. And

the Jews say that among the laws given to Noah were precepts that not only homicide, but adultery, incest, and robbery should be punished with death. And this is confirmed by Job 31, 11: "This is an heinous crime, yea it is an iniquity to be punished by the judges".

Moreover the law given by Moses gives reasons for capital punishment which are valid among other nations as well as the Jews, as Lev. 18, 24, etc., Ps. 101, 5, Prov. 20, 8. And especially concerning homicide it is said, Num. 35, 33, that the land can not be cleansed of the blood that is shed therein but by the blood of him that shed it.

Further it is absurd to suppose that the Hebrew people were indulged with the privilege of protecting public and private interests by capital punishment and defending themselves by war, and that other kings and nations at that time had no such privilege, and that this being so, those kings and nations were yet never rebuked by God for the practice of capital punishment and of war, as they were often rebuked for other offences. On the contrary we must suppose that as the law of Moses was the expression of the divine will, the other nations would do well and piously to take example by the law; which it is probable that the Greeks and especially the Athenians did; whence arises the so great similarity of the old Attic law and the laws of the Twelve Tables therefrom derived with the laws of the Hebrews (Sects. IV-V).

Under the term war Grotius includes what he calls private war, which means the punishment or killing of one private person by another. Before tribunals were established this was frequent in the form of self-help and in accord with Natural Law. After the establishment of public tribunals private war is generally forbidden. But there are circumstances when private war is allowed by Natural Law even after the establishment of judicial tribunals (Ch. III, sect. I). After proving this on rational grounds, Grotius proceeds to show that from the Jewish law we may also infer that private war is not repugnant to Natural Law. In Exod. 22, 2, God thus speaks by Moses:

"If a thief be found breaking up (J. P. S.¹¹ breaking in)

¹¹ J. P. S.—Jewish Publication Society translation of the Bible.

("Si in effossione deprehensus"), and be smitten that he dies, there shall no blood be shed for him: if the sun be risen upon him, there shall blood be shed for him". For this law, making so nice a distinction, appears not only to give impunity to the slayer, but to explain Natural Law, and not to be founded on any peculiar divine mandate, but in common equity; and accordingly we find that other nations have followed the same. The law of the Twelve Tables is well known, doubtless taken from the old Attic law: If a man commits a robbery by night, and if any one kill him, it is justifiable homicide (*si nox furtum faxit, si im aliquis occisit, jure caesus esto*—Macrob. Saturn. 1, 4). And thus by the laws of all nations which we know, he is deemed innocent who defends himself, being in peril of his life; which manifest consent is a proof that such a course is not at variance with Natural Law (sect. II).

That there are kings who are not subject to the will of the people, even taken in its totality, both sacred and profane history testify. The kings of Israel were appointed by God, and were said to be anointed over the people, over the Lord's inheritance, over all Israel (sect. VIII, 8).

A king, then, may have authority over a people *proprio jure*, so that he can even alienate the kingdom to another. This has even been done; as by Solomon to Hiram king of Tyre (I Kings 9, 11, 12) (Sect. XII, 3).

The Hebrew Kings were absolute like other Oriental monarchs (Sects. XX, 1).

It is beyond controversy among all good men that if the persons in authority command anything contrary to Natural Law, or the divine precepts, it is not to be done. . . but if we receive any injury from such a cause, or in any other way from the will of the supreme power, we are to bear it rather than resist by force.

By Natural Law all have the right of repelling wrong. But civil society being instituted to secure public tranquillity, the state acquires a superior right over us and ours, as far as is necessary for that end. . . .

So in the Hebrew Law, he was condemned to death who was disobedient either to the high priest or to a ruler of the people

appointed by God in an extraordinary manner. The passage in I Sam. 8, 11, "This will be the manner of the king over you: He will take your sons, etc.", if carefully examined, appears not to imply a true right (for a very different course of conduct is prescribed in the law when the duty of the king is spoken of), nor a mere act (for the act of a king doing this would not be peculiar, since some private persons also do injuries to others), but a fact which has a peculiar effect, that this being done by the king there is an obligation of not resisting. And therefore it is added that the people so oppressed shall cry out to God for help, namely, because no help of man is to be had. So that this exercise of power is called the king's right, as the judge is said to do right to the parties even when he judges wrong (*quo modo praetor ius reddere dicitur etiam cum inique decernit*) (Ch. IV. sects. I-III).

Most writers state three just causes for war; defense, recovery of property, and punishment of wrong (Book II, ch. I. sect. II, 2).

Discussing the second cause, and remembering that war includes private war or homicide, Grotius says, let us look at the sense of the Hebrew law, Exod. 22, 2, with which agree the law of Solon, the law of the Twelve Tables, and Plato's Laws. These laws all agree in distinguishing the nocturnal from the diurnal thief. Some think that this is because by night we can not tell whether he is a thief or a murderer, and therefore may kill him as a murderer. Others think it is because by night we have less chance of recovering the property. I think that neither is the true ground; but this: that no one ought to be slain directly for the sake of mere things, which would be done if I were to kill an unarmed flying thief with a missile, and so recover my goods; but if I am myself in danger of life, then I may repel the danger even with danger to the life of another; nor does this cease to hold however I have come into that danger, whether by trying to retain my property, or to recover it, or to capture the thief: for in all these cases, I am acting lawfully according to my right.

The difference depends then on this; that by night there is no testimony to be had, and therefore if the thief be found slain, credit (credence) is to be given to him who says that he

slew him in defending his life; that is if he be found with any hurtful instrument. "If a thief be found breaking up" should be translated "with a weapon for breaking through" (Id enim lex Hebraia requirit, agens de fure reperto במחחרת; quod quidam transferunt *in perfossione*; alii forte melius *cum perfossorio instrumento* quo modo et Jeremiae 2, 34,¹² ea vox a doctissimis Hebraeorum exponitur).

So the law of the Twelve Tables forbids the diurnal thief to be killed, except he defended himself with a weapon. On the other hand Ulpian teaches that a man who kills a nocturnal thief does it with impunity, if he could not without peril avoid it.

And therefore as I have said the presumption is in favor of him who kills the nocturnal thief; but if there be testimony by which it appears that the slayer was not in danger of his life, the presumption ceases, and he is guilty of homicide. Add to this that the law of the Twelve Tables required him who discovered a thief, either diurnal or nocturnal, to cry out aloud; namely that neighbors or magistrates might come together for help and testimony. And as such concourse is easier by day than by night, therefore more credence is given in case of the nocturnal danger. . . . To this is to be added that in what happens by night we have no means of knowing the extent of the danger, therefore it is more terrible.

And therefore the Hebrew like the Roman law directs that which benevolence recommends, that no one should be slain only because he takes a thing, but only if he who defends it comes into danger. Maimonides says that the slaying of a man is permitted to a private person only to preserve what lost can not be recovered, life and chastity (Sect. XII).

Among the common rights of mankind is the right of harmless use. "Why," says Cicero, "when a man can, without any loss to himself, should he not impart what is useful to the receiver and not inconvenient to the giver?"

And so land and rivers and any part of the sea which is become the property of any people, ought not to be shut against those who have need of transit for just cause.

¹² גם בכנפיך נמצאו דם נפשות אביונים נקיים לא במחחרת מצאתים כי על כל אלה

We have a valuable example of this in the history of Moses, who applies first to the Edomites and then to the Amorites (Num. 20 and 21) for leave to pass through the land on condition of going by the king's highway and paying for what they took. And when these conditions were rejected, he on that account made war on the Amorites; justly as Augustine says (Sects. XI-XIII).

THE LAW OF MARRIAGE

We must consider the question concerning the degree of affinity and the degree of consanguinity in a transverse line; especially those which are expressly mentioned in Lev. 18. For though we should grant that these interdicts do not proceed from the mere law of Nature, yet in virtue of the divine precept these unions may pass among forbidden things. And that the precept is one which does not bind the Hebrews only, but all men, seems to be collected from the words of God, Lev. 18, 24, 25, 2) "Do not ye pollute yourselves, etc." For if the Canaanites and their neighbors sinned in doing such things, it follows that some law of God on that subject must have gone before; and as this is not merely a natural law, it remains that it was from God, either given to those nations peculiarly (which is less probable, nor do the words carry that meaning) or to the human race; either at the Creation, or at the restoration of things after the Deluge.

The ancient Hebrews who are not to be thought slightly of as commentators on this part of the divine law, and especially Maimonides, the greatest of them, says that there are two reasons for these laws, given Lev. 18, concerning marriage. First a natural modesty, which does not permit persons to mingle with their own offspring, either in themselves or in persons closely connected by blood or by marriage union. Second, lest the daily and confidential intercourse of certain persons should give occasion to sexual union if such union could be confirmed by marriage, which two causes if we judiciously apply to the laws given in Leviticus it will easily appear that in the first transverse degree of blood

(brothers and sisters) on account of the very recent image of the parents in the children the first cause holds as proceeding from that which if Nature does not command, at least she points out as more becoming; as there are many such things which make the matter of divine and human laws.

Hence the Hebrews say that in the direct line, the degrees not named in the law are comprehended from the manifest parity of reason. These degrees they thus reckon.....

These laws and the laws against the marriage of brother and sister the Hebrews think were given to Adam at the same time with the laws to worship God, not to shed blood, to worship no false gods, not to take what is another's. But they think that the laws concerning the conjugal unions were given so that they should not be in force till the human race was to a certain extent multiplied, which could not take place at first without the marriage of brothers and sisters. . . Nor do they think it any objection to this account that it is not given in the narrative of Moses, for he held it sufficient to indicate this tacitly by condemning other nations on that ground. For there are many things in the Law which are not told in the order of time, but as occasion offers; whence that noted maxim of the Hebrews that in the Law there is no before and after (Ch. V, sect. XIII).

MONOPOLIES

It is not all monopolies which are at variance with Natural Law. Monopolies may sometimes be permitted by the government for just cause, and at a settled price; of which we have a remarkable example in the account of Joseph's administration of Egypt (Ch. XII, sect. XVI).

As to lending money, it is commonly made a question by what kind of law usury is forbidden. And although the more received opinion is that it is forbidden by Natural Law, Abulensis is of a contrary opinion. And in truth the arguments on the other side are not such as compel assent....(The arguments given and criticised).

But whatever may be our opinion of such arguments, it ought to suffice for us that there was a law given by God to the

Hebrews which forbade Hebrew to lend Hebrew money on usury. For the matter of this law, if not necessary, is certainly morally good, and so is assumed in Ps. 15, 5, Ezek, 18. 8. And precepts of this kind bind Christians also, as being called to higher pitches of virtue than others, and what was then the duty towards a Jew, is now a duty to all men, the separation being taken away by the Gospel, and the term "neighbor" more widely extended (Sect. XX).

OATHS OBTAINED BY FRAUD

If it be certain that the swearer supposed some fact which is not so, and would not have sworn except he had so believed, then the oath is not binding. But if it be doubtful whether even without that fact he would not have sworn the same, he must stand by his words, because simplicity in the highest degree is suitable in swearing.

To this I refer the oath of Joshua and the Elders of Israel to the Gibeonites, Josh. 9. They were deceived by the simulation of the Gibeonites, but it did not follow that Joshua and the Israelites if they knew that they were neighbors, would not have spared them. For what they said, v. 7, "Peradventure you dwell among us, and how shall we make a league with you?" may be understood as an inquiry whether the Gibeonites asked for a league of equality or submission, or that they might show that it was not lawful for the Hebrews to make leagues with certain peoples; not to imply that they would not spare their lives if they surrendered. . . .

But the signification of an oath is not to be extended beyond the received usage of speech. Therefore those were not perjured (Judg. 21) who when they had sworn that they would not give their daughters to wife to the tribe of Benjamin, still permitted them to live with those who had taken them by violence. For it is one thing to give, another not to ask back rigorously.

That an oath may be valid, the obligation must be lawful. Wherefore there is no force in a sworn promise concerning a thing unlawful either by Natural Law or divine prohibition or human, of which we shall speak afterwards. Thus David spared Nabal, whom he had sworn to kill.

Even if the promise be not unlawful, but something impeding a greater moral good, the oath will not be valid, because we are bound by God to aim at a moral progress, so that we may not take this liberty to ourselves. So Philo Judaeus, of persons who in anger, etc., swear that they will not change their minds, or do good to this or that man. Quod ait Jurasse quosdam ne huic vel illi unquam bene facerent, id Hebraei vocabant (Baba Kama, ch. 9, § 10) נדר הנאה id est εὐχὴν ὠφελείας, vocem de beneficentia, נשבע להיטיב Lev. 5, 4, (נפש כי חשבע לבטא בשפתים להרע), (או להיטיב). Huius formula, tradentibus Hebraeorum magistris, erat קרבן כל מה דחתנה מני, קרבן שאתה נהנה לי, cui convenit illa Syriaca in veteri versione Matthaei 15, 5, קרבני מדם דחתנה מני: Graece, δῶρον, ὃ ἐάν ἐξ ἐμοῦ ὠφελῇθῃς i. e. donum deo dicatum sit (id enim est קרבן), si quid unquam a me boni acceperis (Ch. XIII, sects, IV-VI).

AS TO THE END OF PUNISHMENT

Plato says in the Laws, "No wise man punishes because wrong has been done, but in order that wrong be not done." This is true in human punishments, for men are so bound together by their common nature that they ought not to do each other harm except for the sake of some good to be attained. In God the case is different. . . . For the actions of God may depend on his right of supreme authority. Certainly the words of Scripture testify that the punishments of very wicked men are inflicted on this account when they speak (Deut. 28, 63) of "God's rejoicing over them to destroy them," of his mocking and laughing at them (Prov. 1, 26; Isai. 1, 24). And that what we have said against Plato is true is proved by the last judgment, after which no amendment is to be expected (Ch. XX. sect. IV).

PUNISHMENT OF ACCESSORIES

God indeed in the law which he gave to the Hebrews threatened that he will visit the impiety of the fathers upon their posterity. But God has the most plenary right of dominion as over our goods, so over our lives, as his gift; which he may take away from any one, whenever he will and without any cause. If,

therefore, he takes away by an untimely and violent death the children of Achan, Saul, Jeroboam, Ahab, he uses towards them his right of dominion, not of punishment; but by the act he more grievously punishes the parents. For if they outlive their children, which is the case that the divine law principally regards (and therefore the law does not extend its threatenings beyond great-grand-children, Exod. 20, 5; because the common age of man allows him to see them) it is certain that then they are punished by such a spectacle, for *that* is more grievous to them than what they themselves suffer. (Ch. XXI, sect. XIV).

DECEIT IN WAR

Deceit is proper toward an enemy. (Cf. Jer. 38, 24, 25, where Zedekiah instructs Jeremiah to give an untrue answer to certain questions he may be asked by certain people; also Abraham dissembling that Sarah was his wife). This is deceit consisting in a negative act (Book III, ch. I, sect. VII).

Deceit which consists in a positive act if it be perpetrated by things, is called simulation, if by words, a lie. Grotius classes words, nods and written characters together as having been invented to signify a meaning with mutual obligation, or by convention, but other things not so. Hence we may use other things although we foresee that another person will therefrom form a false opinion.

An example where damage to the other party follows from the simulation but where the damage is lawful, we have in the feigned flight which Joshua advised his men to execute in order to take Ai, because the flight itself means nothing *by institution* (Sect. VIII).

More grave is the question concerning those signs which belong to the usual intercourse of men, and to which when used deceitfully lies properly belong. There are many passages against lying in the Scriptures, Prov. 13.5; 30, 8; Ps. 5, 7. There are, however, authorities on the other side. First, we have examples of persons in Scripture who told lies and who are not blamed. He quotes a Hebrew proverb, אם יודע אדם להמיר (להמיר). Si quis norit uti perplexi-

loquio, recte; sin minus, taceat. In a note he cites also מותר לשנות מפני השלום licet perplexe loqui, boni causa, citing Menasseh ben Israel "Conciliator", quest. 37 (Sects. IX and X).

We have an example of falsehood which even Philo praises in Joseph, who, acting with royal power in Egypt, accused his brothers first of being spies, and then of stealing, knowing that it was not so. And again Solomon when he gave orders to slay the child about which the mothers disputed, though he never intended this to be done (Sect. XV, 2).

What learned men commonly lay down goes further than what we have said, viz. that we may utter falsehoods to an enemy. Thus to the rule not to lie, an exception is added, unless to an enemy. And to this case you may refer the promise of the men of Jabesh (Sam. 11, 10) that they would come out on the morrow, and the act of Elisha when he misled his pursuers (II Kings, 6, 19) (Sect. XVII, 1).

INFLECTION OF HARM ON THE ENEMY

How wide this allowance of doing harm to enemies extends may be understood from this: that the slaughter of infants and women is allowed to have impunity as comprehended in that right of war. I will not here adduce the slaying of the women and the little ones of Heshbon (Deut. 2, 34), and what they did to the Canaanites and their allies, for these are the doings of God, who has a more absolute right over men than men have over brutes. But a passage which approaches more nearly to a testimony of the common usage of nations is that in the Psalms, 137, 9, "Happy shall he be that taketh and dasheth thy little ones against the stones" (Ch. IV, sect. IX, 1).

Grotius is careful to say that lawful as applied here means simply not punishable by the law of the State or the usage of nations, not that it is a good thing to do; not, as he says, a right free from all blame, but an impunity (Ch. IV, sect. V, 2).

VIOLATION OF WOMEN IN WAR

The violation of women in war you may perpetually find both allowed and disallowed. Those who allowed it looked

only at the injury done to the person and judged that it was not incongruous to the laws of war that what belonged to the enemy should be subjected to such injury. But others have judged better, who regarded not only the injury, but the act of uncontrolled lust; and that the act has no tendency either to security or to punishment, and therefore ought to be no more unpunished in peace than in war; and this latter rule is the law of nations, not of all but of the best....

And it is fit that this rule should be observed by Christians, not only as part of military discipline, but as part of the law of nations, that is, that he who violates a woman, even in war, shall be everywhere liable to punishment. By the Hebrew law, no one could have committed such an act with impunity; as may be understood from what is said in Deut. 21, 14, of marrying a captive and then not selling her; on which place Bechai, a Jewish master, observes: God willed that the camp of the Israelites should be holy, not given up to fornication and other abominations, like the camps of the heathen. (Sect. XIX).

SOME UNPUBLISHED LETTERS OF THEOLOGICAL IMPORTANCE

DAVID PHILIPSON, Hebrew Union College, Cincinnati, Ohio

AT THE TIME that the library of the late Rev. Dr. Samuel Adler, rabbi of Temple Emanuel, New York, was presented by his family to the Hebrew Union College, a number of letters written to Dr. Adler by eminent Jewish contemporaries were sent along with the books. At that time I was making the studies which led to the publication of my book, *The Reform Movement in Judaism*. Dr. Isaac M. Wise gave me these letters with the remark that I might be able to make some use of them in my studies. The letters were laid aside and I quite forgot all about them until recently when I found them stored away among some papers. The letters which were all written in German are of such interest that I feel they should be given to the world. Not all the letters in the collection are published herewith, since a number of them contain personal references to contemporaries that should not be exposed to the public gaze. Such personalities must be consigned to oblivion. The letters here presented in translated form are not at all edited, only in one instance has an uncomplimentary reference been omitted. I have selected for publication from this collection letters from the great Jewish leaders of the past generation, Isaac M. Wise, Abraham Geiger and Ludwig Philippson. I am also including an important communication from Dr. K. Kohler, the only living representative of a mighty period of initiative and endeavor, the creative years of the Reform movement. I am adding one other letter not in the Adler collection, viz. the exceedingly interesting and important communication from Professor Moritz Lazarus to the faculty of the Hebrew Union

College in acknowledgment of the receipt of the degree of Doctor of Divinity from that institution.

I begin with the letter written by Isaac M. Wise in 1857. In 1855 a rabbinical conference had been held at Cleveland, Ohio. The resolutions adopted by this Conference had called forth a bitter protest from Drs. David Einhorn and Samuel Adler who had arrived in this country recently and were rabbis respectively of the Har Sinai congregation of Baltimore and of the Temple Emanuel, New York. This was the beginning of that unfortunate division between the so called Cincinnati school and the Eastern Reform leaders, headed by Isaac M. Wise on the one hand and David Einhorn on the other. In this letter written by Isaac M. Wise to Samuel Adler, the former, undoubtedly with the protest against the Cleveland resolutions in mind, suggests the need of cooperation of all the reform forces. The letter is of extreme interest as indicating a stage in Wise's development. He changed later his views in regard to some of the positions here taken. But in regard to his main contention he did not change until the day of his death, viz., the need of a synod as the authoritative body in Judaism. He attributes the lack of the complete success of the reform movement to the fact that no authoritative body like a synod was in existence to give the weight of its support to the necessary changes in views and practices called forth by new conditions of time and place. In this letter then the mainspring of Wise's life and activity finds expression, viz. cooperation and organization. It is significant also that he stresses here the need of a theological seminary. This he advocated in season and out of season until he saw the project realized in the opening of the Hebrew Union College in 1875.

The letter reads as follows:

Rev. Dr. Adler.

Dear Doctor:

I have succeeded finally in finding time for correspondence and I am making the beginning with this communication to you. In acknowledging and thanking you heartily for your friendly

inquiries I desire to assure you that my recollections of you are the pleasantest.

My sojourn in New York was necessarily of such brief duration that I was not able to discuss with you the subjects that I was especially desirous of taking up with you. Permit me therefore to write about them at some length.

The casual remark about a private conference of American ministers of the Jewish religion was no jest as far as I am concerned. I am earnestly desirous of the realization of this idea not only on account of the personal rapprochement which prevents many unpleasantnesses in public life, but chiefly for the discussion of the following points:

(1) The basis for the establishment of a seminary for rabbis, teachers and cantors.

(2) The founding of a Jewish library.

The possibility of calling these institutions into being exists, and the conditions are very favorable; all that is necessary is earnest cooperation on the part of all our influential men. I do not know why this cannot take place.

To achieve this purpose there is no need for any further setting forth of various standpoints. All that is necessary is the firm will on the part of all to act in the interests of Judaism. As for me, I am heart and soul for the project.

I ask your advice as to the how? when? and where?

Turning now to the subject of Reform Judaism let me say that I do not agree with the following views:

(a) The morality of the Talmud is narrow.

(b) Judaism consists of the axioms of the human mind.

(c) Revelation is the intensified potency of the human mind.

(d) The Bible is symbolical.

(e) Reform is the essential matter, Judaism is secondary.

My program takes into consideration not only the conditions and relations of the present but also the future preservation of Judaism. Judaism must continue until mankind shall have been absorbed in Israel. The Biblical forms must be preserved inasfar as they are either (a) the expression of inner religious activity, (b) the instrument for arousing inner religious activity, or (c) the bond of unity in Judaism. None

Isaac M. Wise was in the United States, as an organizer, Ludwig Philippson was in Germany. He had founded the first great modern Jewish newspaper, the *Allgemeine Zeitung des Judenthums*, he had issued the call for the first modern rabbinical conference, viz, the one held at Brunswick, Germany in 1844, he had as early as 1847 urged the convening of a synod; he had founded a publication society (*Institut zur Förderung der Israelitischen Literatur*) for the issuing of Jewish books, the first of which was a volume of Graetz's monumental work, the History of the Jews; he had founded too a Bible institute, as he called it, for the placing of the Bible, both in the original Hebrew and in the translation which he himself had made, in the hands of Jews throughout Europe and America. In the first letter herewith presented, he seeks the cooperation of the rabbi of America's largest Jewish congregation in the efforts along the line of Bible propaganda. The second letter touches the matter of the Leipzig synod. Like Wise in America so Ludwig Philippson in Germany kept harping constantly on the need of a synod as the body of authority in modern Judaism. Philippson's campaign for the convening of a synod seemed to have reached a successful conclusion when such a synod was actually held in the city of Leipzig in 1869. The letter to Adler calls attention to the forthcoming synod and urges that the congregations of the United States also send representatives. It is of historical interest that the synod was attended by two representatives from this country. The two letters from Philippson read:

I

Bonn, August 12, 1862.

My dear Colleague:

While rejoicing heartily at having received your kind greetings after a long lapse of time, I do myself the honor of answering your inquiries by informing you that the Bible institute is now negotiating with Holland and Denmark on the subject of translations; nothing has been done as yet as far as an English translation is concerned, and we cannot give any immediate assurances concerning such. Our editions are of three kinds, they con-

sist of either the Hebrew text alone, the German translation alone, or the Hebrew text and the German translation side by side, i. e. the Hebrew text on one page and the translation on the opposite; stereotyped plates make it possible to furnish any one of these three forms that may be desired. The same course can be followed with an English translation. Our commissioner has always a supply of Hebrew, German, and Hebrew-German copies in stock. I am enclosing a proof of a corrected sheet.

I seize this opportunity of asking you whether you could not furnish a manuscript for the Institute for the Advancement of Jewish (Israelitish) Literature? A goodly honorarium is paid. Would it not be possible for you, who wield so great an influence in America, to assist in obtaining greater support for the Institute? I need not tell you how important and effective in strengthening and clarifying the faith of our coreligionists this agency is. Therefore I consider it the duty of every influential man to work for it.

With the most cordial wishes for your well being, I am,

Respectfully,
PHILIPPSON

II.

Bonn, January 27, '69.

My dear Colleague:

By order of my two fellow members in the chairmanship of the Basle rabbinical conference Adler and Aub, I am sending you today under separate cover 50 copies of our invitation to the synod with the request that you send them to the larger congregations of America, particularly to such to whom the matter is likely to appeal. We request also that wherever agreeable to you, you add your influential word of approval. It goes without saying that it would be exceedingly helpful, if you would find it at all proper to come to the meeting and if only a few American congregations would resolve to send representatives. At any rate, however, some notice will be aroused by the invitation and this is always beneficial for Judaism. We request you to change the date at the bottom of the invitation

in accordance with the day on which you mail the copies; unless this is done the periods for acceptances would conflict.

Pray accept in advance our heartiest thanks as well as our most cordial fraternal regards.

Respectfully,
PHILIPPSON

The letter from Abraham Geiger, the leading Reform rabbi and scholar of Germany, has particular interest because of his recommendation of his pupil and young friend, Dr. Kaufman Kohler, to the good offices of the rabbi of Temple Emanuel. Kohler's communication makes this letter of Geiger its text. Geiger refers also to several contemporary subjects of interest. The letter follows:

Frankfort a. M. April 4, 1869.

My dear Dr. Adler:

I hope that you have received the Frankfurter Zeitung which I sent you under separate cover and in which acknowledgment is made of the receipt of the 2000 gulden for the suffering co-religionists in western Russia. Please express to your generous congregation our thanks also in the name of our sorely tried brethren in faith. May they be always so favored with freedom and prosperity that they can confer blessings upon others and thus also enjoy the amplest blessings themselves.

I have received from New York two numbers of the Jewish Times¹ which begins with a gratifying policy and tendency. May it continue with greater and more self reliant power! Translations of earlier German articles are not sufficient. Why does not our lecture on the kabalalah find a place in its columns? As a matter of course, there is a dearth of youthful men of parts in the United States, as everywhere else, but over there such young men will find a wide field and ample remuneration in a far greater measure than is the case here. You will I am sure be delighted to learn of your acquisition of a most excellent young scholar in the person of Dr. Kohler who has determined to settle abroad. Doubtless you have already acquainted your-

¹ New York, 1869.

self with his ability and his zeal from his writings *The Blessing of Jacob*,² *Capital Punishment*,³ from his articles in my magazine,⁴ and from my judgment of him. It is of high import for you to secure such a force for our cause, for scientific endeavors, for addresses and for a pulpit. I must emphasize that I am pained not to be able to assure him of any immediate prospect for a congenial position; although there can be no doubt that eventually such a position would be found for him here among us, if he could and would wait patiently, and his amiable Bavarian environment would not rob him of all vigor. I therefore commend him to you most heartily and impressively; may he find receptive soil to sow his seed there where humanity and Judaism will found their future! I shall watch his career with the fullest sympathy, and I will be truly grateful to any one who will aid in opening and smoothing his way; you will doubtless hear from him himself.

The first number of Volume VII of my magazine⁵ is in print, and the numbers of this year's volume will follow one another quickly. A very serious illness, which thank God has entirely passed, delayed the publications and further the necessity to speak an earnest word (illegible), which polemic grew into the long article which opens this volume and will soon appear as a separate reprint, made for still longer delay. Thus we must keep on grinding constantly although I long more and more for scholarly leisure, since I would so like to be *מגולה סתרי חורדה*. At any rate I have succeeded in being able to speak openly and decidedly and even though there be those who are irritated thereby, still some impression is made.

How is that splendid youth, your nephew Dr. Walz? Give him my kindest regards; I would gladly write him were there not so many and such constant demands upon my time from all sides. We do not get to see as much of your son as we would like; even if he is here during vacation, he is very industrious,⁶

² *Der Segen Jacob's*, Berlin 1867.

³ *Die Bibel u. die Todesstrafe*, Leipzig 1868.

⁴ *Jüdische Zeitschrift*, VI, 21-23, 70-73, 136-141.

⁵ *Jüdische Zeitschrift* 1869, 1ff: Etwas über Glauben u. Beten. Zu Schutz u. Trutz.

⁶ Dr. Isaac Adler who was pursuing his medical studies abroad.

and we must rest satisfied with a brief visit. He will endeavor to pursue strict German scientific methods over there and will carve out a fine future for himself.

But time presses. I wish to write to others in America and also in Germany; and so let us remain friends even if we are not brethren in the Essenic order.

Your old faithful
GEIGER

The letter of Dr. Kohler is of biographical interest to all friends and admirers of our leading Jewish scholar and theologian, the vigorous octogenarian whose researches have added so greatly to the store of Jewish learning. The uncompromising stand for progressive religion which has marked Dr. Kohler's great career in this country appears in this early communication. The same vigorous mode of expression to which he has accustomed us was the vehicle of his thought at the beginning as during the later stages of his professional life. He looked to the United States as the land of promise and hoped to find here the congenial atmosphere for his liberal views which he missed so sadly in his native Bavaria, the home of unbending orthodoxy and bitter opposition to Reform.

To The Reverend Dr. Adler, Rabbi in New York

Fürth April 6, 1869

Highly honored Doctor:

It is indeed difficult for me to refer to the letter of dear Dr. Geiger, who is unusually well disposed toward me, without fearing lest I be understood as laying pretensions to justifying the flattering hopes and wishes of this my friend and well-wisher; at best I can only indulge in these hopes and wishes as aims, and thus in a manner as promises full of possibilities. Still I will not let these, but rather the warm recommendation of your friend serve as *captatio benevolentiae*, in order to be able to combine trustfully my wishes and desires with the more

effective solicitation of the friend in accordance with the saying
כל המתפלל בעד חברו תפלו נשמעת.

As you may readily imagine, the reason why I have concluded to seek my welfare and my field of action in the transatlantic place of refuge for free inquiry and activity lies in the conclusion which I have reached that the religious conditions in present day Germany are not calculated to support or even to encourage the demands and the views of a sincerely liberal minded and uncompromisingly truth loving young man who wishes to pursue a theological career. Unprincipled indecision and political connections are the conditions for a theological calling even among liberals in Germany. With the motto, "the coachman must be sober" they convert the spiritual guides into dissembling hypocrites so as to be the better able to laugh at priestly deception and the like. A common solidarity of liberal forces, of which I dreamt in my Berlin idealizing dream-life, has no existence in Germany in the religious province. There is no sympathy for any one who, following the insistent urge of his heart, desires to break through the obstacles which surround a great and free Judaism and hinder its development or, because he cannot do otherwise, must break through—, a state of mind which such as are without a spark of idealism in their make up cannot comprehend. Reproaches and discouragements are the reward and the appreciation which unselfish struggle and striving for truth receive even from friendly quarters; pity alone is the portion of him who has ruined his career through honesty.

But how assert one's claims against such contemptible Philistinism? In fact I permitted myself to be persuaded to renounce theology with a bleeding heart and entered upon an academic career. But here also difficulties and considerations of a most weighty material nature heaped themselves up against me as soon as I found myself ready for a position as *Privatdozent*. I felt that I could not be true to my real calling in taking up this profession which held before my eyes the history of religion rather than the Judaism of my ideals as the end and object of

activity. I felt so little at home in the camel charged atmosphere of Arabic desert poetry that I saw myself drawn constantly back to Biblical themes, so that I wrote an essay on capital punishment, which I composed hurriedly under the impression made by the debates in the Saxon diet, and an article on circumcision, called forth by the refusal of the authorities to register an uncircumcised Jewish child in Vienna; this latter however I refrained from having published first in Germany because of feelings of pious consideration for my father. If a gracious providence and the support of noble influential patrons will secure for me soon in America a position in accord with my conviction, it may be possible for me to greet the forthcoming Jewish synod from the other side of the Atlantic with such a composition which will challenge all hypocrisy both in the theoretical and the practical fields. Highly revered sir, if you feel any interest in a theoretical and practical study tracing the history of circumcision in its various phases, pre-Mosaic, prophetic and Talmudic, I am ready to send the same to you and place it under your protection. From what I have written you can judge what an irresistible compulsion to reach clearness and truth drives me on and you can comprehend without doubt how painful it must be for me when my would-be-friends here advise me to exchange my theological calling for the more lucrative career of a lawyer or a physician, or forsooth to go to America in order to peddle there with a bundle of סחורה. And this last mentioned bit of advice was given me by a man who has the temerity to call himself a liberal rabbi. It was a blow, not indeed into my face, but into my soul.

As against such depressing experiences, I believe that I can find encouragement and joy in service only in America through an assured free position as a Reform rabbi or preacher. But before I undertake this journey, I would like at least to have some definite prospect in the strange land whose language I know only from books but not from the mouth of the people; this all the more in order to be able to calm my anxious, pious parents, who have been deceived so often in their expectations, and further in order not to give my bitter fanatical orthodox opponents, the occasion to triumph over me.

Therefore I request you, most honored sir, to give me your friendly advice and support as soon as feasible and to inform me whether through your great influence any position is in prospect for me even if only provisionally.

Permit me to add that I have addressed myself to your honored colleague, Dr. Einhorn, through the good offices of his brother who lives here. I have also asked the latter to send you my two publications, 'Jacob's Blessing' and 'Capital Punishment'. If these have not yet reached you, I will send them to you shortly.

With assurance of my whole hearted esteem and respect and hoping that you will soon give me the opportunity of showing you the complete devotion to you with which I now subscribe myself,

I am,

Yours most respectfully

DR. K. KOHLER.

Fürth near Nürnberg.

In addition to these important letters from the Adler collection I am giving the communication from Professor Mortiz Lazarus, the eminent ethicist and psychologist, in which he expresses his deep appreciation of the honor shown him by the Hebrew Union College in conferring upon him the honorary degree of Doctor of Divinity. Lazarus was, without question, the leading German layman of liberal Judaism in his generation. He was markedly different from so many Jews prominent in the learned world, who stood aloof from the synagogue and its concerns. Lazarus presided at the Leipzig synod referred to above in the Philippon letter. His presidential address before the representatives there gathered, is one of the finest utterances from the liberal Jewish standpoint that we have.⁷ Possibly his most striking contribution to Jewish thought was his great work on the *Ethics of Judaism*, which appeared after he wrote the letter here given, and is therefore, as a matter of course, not mentioned by him when he enumerates his other books. Lazarus' confession that the underlying idea of universalism, which he

⁷ *Verhandlungen der ersten israelitischen Synode zu Leipzig* (Berlin 1869), pp. 206-216.

developed in his books and writings, was drawn by him from Jewish teachings is most significant. I know of no passage in any of his books that is of greater importance from the Jewish angle than is this highly interesting biographical note, for as such this letter may in all truth be considered.

Schönefeld near Leipzig

June 7, 1895.

Honored Sirs:—

At first adverse, then fortunate conditions combined with a lengthy journey prevented me from expressing to you directly my heartiest thanks for the great honor you have conferred on me. Now that I have become settled in my summer home, I will delay no longer, although I am even now not in condition to do this in a manner entirely worthy of you and the subject.

It is not as though I desire to give expression with many or exalted words to the feeling of grateful obligation under which you, most honored sirs, have placed me; though the obvious must also be said at times in life, let it be done with as few words as possible.

However I would like to set forth at some length to what services and to what tendency of my intellectual activity I believe that I owe the distinction which you have been so good as to confer upon me.

Such as view my inner life work only hastily may be surprised to see me named Doctor of Divinity. But I gladly make the confession to you as I have done frequently in recent years; I am not only a psychologist and a comparative psychologist (Völkerpsycholog) but *also* a Jew; not a Jew and also a comparative psychologist. Rather it is the happiest thought for me as a Jew that in the future when comparative psychology will have become a flourishing and influential science, it will be acknowledged that the first structure of this science arose at least in a personal way on the foundation laid by Judaism; that in all truth also the ideas which this science aims to develop, issue from the ultimate and deepest sources of Judaism. The

views which have led me to regard the entire human race as one family, yes as a recognizable unit in its origin and still more and in a much higher sense in its end and aim, have been held in Judaism for a long time, yes they may be said to have first taken root there. I consider the investigation of these fundamental resemblances in their continuance and their development here, there and everywhere as among the chief tasks of human knowledge.

I feel that I owe to Judaism, as the nursery of my spiritual life, not only the external motive but the innermost impulse of my scientific endeavor, and particularly the foundation laying of comparative psychology; this too I know also of a certainty, that through the psychological view of history, the original diversity and the developing progress of nations and their comparison I have become a follower of Judaism more and more clearly and more and more consciously; I have learned to investigate ever more freely and to acknowledge ever more loyally its ethico-religious content and its never resting development, in the facts of the past and in the hopes and aims for the future.

If it gave me keenest satisfaction that the celebrated contemporary church historian, Dr. Nippold, professor of Evangelical theology at Jena in his *Handbuch der Neuesten Kirchengeschichte* (Vol. III p. 455 ff, 556 ff), in which with rare intellectual freedom he submits to historical investigation the movements in Judaism, designated my field of activity as a phenomenon of Jewish research of the most typical character (and this too even before the appearance of my "Jeremiah"), and לפי חומי declared my "*Leben der Seele*", "*Ideale Fragen*" and "*Treu und Frei*" to be a common possession of *theology* to the same degree as Döllinger's "*Lectures*":—then I can in all conscience and without trespassing the bounds of modesty accept a D. D. degree from you, enjoy this honor with all my soul and thank you, honored sirs, with all my heart for the same.

Fortunately your diploma names me also a corresponding member of your faculty. When the fitting time and occasion shall present themselves, I hope to develop for you at length

the thoughts indicated in this letter. In the meantime however, I beg you to accept this expression of my high esteem and reverence, and subscribe myself,

Yours devotedly

LAZARUS.

To the Faculty of the Hebrew Union College through the President, Dr. Wise, in Cincinnati.

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